AGENDA
REGULAR SESSION
PLANNING COMMISSION MEETING
BLOOMINGTON POLICE DEPARTMENT, OSBORN ROOM
305 S. EAST STREET, BLOOMINGTON, IL 61701
WEDNESDAY, DECEMBER 7, 2022, 4:00 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT**

   Individuals wishing to provide emailed public comment must email comments to **publiccomment@cityblm.org** at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at **www.cityblm.org/register** at least 5 minutes before the start of the meeting.

4. **MINUTES**

   Review and approval of the minutes of the November 2, 2022, regular meeting of the Planning Commission.

5. **REGULAR AGENDA**

   A. **Z-14-22** Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Zoning Map Amendment for the property located at 1710, 1802, 1810 and 1818 Tullamore Avenue, from B-1 (General Commercial) District to P-2 (Public Lands & Institutions) District. PIN(s): 22-18-203-011, 22-18-203-012, 22-18-203-013 and 22-18-203-014. (Ward 8.)

   B. **Z-15-22** Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Zoning Map Amendment for part of the property located at 3801, 3803, 3805, and 3807 Ballybunion Road, from B-1 (General Commercial) District to P-2 (Public Lands & Institutions) District. Part of PIN(s): 22-18-203-006. (Ward 8.)

   C. **PS-05-22** Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Preliminary Plan for the Residences at The Links Subdivision for the properties generally located near the intersection of Ballybunion Road and Tullamore Avenue. PIN(s): 22-18-203-011, 22-18-203-012, 22-18-203-013, 22-18-203-014 and Part of PIN(s) 22-18-203-006 and 22-18-203-010. (Ward 8.)

   D. **Z-16-22** Public hearing, review and action on a petition submitted by OSF Healthcare System, requesting approval of a Zoning Map Amendment for the property located at 3 Moore Road, from R-1A (Single-Family Residence) District to P-2 (Public Lands and Institutions) District. PIN(s): 21-10-232-025. (Ward 4.)

E. **Z-17-22** Public hearing, review and action on a petition submitted by TKnTK, LLC, for approval of an Annexation Agreement and Zoning Map Amendment for the properties generally located near the intersection of E. Hamilton Road and Bunn Street. PIN(s): 21-15-152-010 and 21-15-151-020. (*Withdrawn Per Request of Petitioner.*)

F. **PS-06-22** Public hearing, review and action on a petition submitted by TKnTK, LLC, requesting approval of a Preliminary Plan for HDI Subdivision for the properties generally located near the intersection of E. Hamilton Road and Bunn Street. PIN(s): 21-15-152-010, 21-15-151-018, 21-15-102-005, 21-15-102-006 and 21-15-151-020.

G. **Z-24-21** Public Hearing, review and action on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules. Continued from October Meeting.

6. **OLD BUSINESS**
7. **NEW BUSINESS**
8. **ADJOURNMENT**

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or mhurt@cityblm.org.

DRAFT

MINUTES

PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS

REGULAR MEETING

OSBORN ROOM, 2ND FLOOR POLICE DEPARTMENT

305 S. EAST STREET, BLOOMINGTON, IL

WEDNESDAY, NOVEMBER 2, 2022 4:00 P.M.

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at www.cityblm.org/register at least 5 minutes before the start of the meeting

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, November 2, 2022, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; and Mr. Jon Branham, City Planner.

The meeting was called to order by Chairperson Mohr at 4:01 p.m.

ROLL CALL

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Absent
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Present
Mr. Mark Muehleck	Commissioner	Present
Mr. John Danenberger	Commissioner	Absent
Mr. Brady Sant-Amour	Commissioner	Present
Mr. Benjamin Muncy	Commissioner	Absent
Mr. Govardhan Galpalli	Commissioner	Absent
Ms. Anna Patino	Commissioner	Present
Ms. Jacqueline Beyer	Commissioner	Present
George Boyle	Assistant Corporation Counsel	Present

Glen Wetterow	City Planner	Present
Jon Branham	City Planner	Present

Mr. Branham called the roll. Mr. Krieger – Present, Mr. Muehleck – Present, Mr. Sant-Amour – Present, Ms. Patino – Present, Ms. Beyer – Present, and Vice-Chair Boyd - Present. With 6 members present, a quorum was established.

MINUTES

Ms. Beyer motioned to approve the minutes from the October 6, 2022, meeting with the following amendments, inclusion of Belle Tire indicating they will store tires indoors and provide bike and pedestrian access. Mr. Muechleck seconded. A voice vote was held. All ayes. The motion passed.

PUBLIC COMMENT

Vice-Chair Boyd notified those present that public comment is for items not on the agenda. No one was present to provide public comment and staff did not receive any emailed public comment.

REGULAR AGENDA

A. Z-10-22 Public hearing, review and action on a petition submitted by Habitat For Humanity of McLean County requesting approval of a Zoning Map Amendment for the property located at 1305 Bunn Street, from R-1C (Single-Family Residence) District to R-2 (Mixed Residence) District. PIN: 21-09-284-010. ***Withdrawn per request of Petitioner***.

Vice-Chair Body noted the case has been withdrawn at the request of the Petitioner.

B. Z-11-22 Public hearing, review and action on a petition submitted by Workbench Architects requesting approval of a Zoning Map Amendment for the property located at 1301 W. Washington Street, from M-2 (General Manufacturing) District to M-1 (Restricted Manufacturing) District. PIN: 21-05-328-001.

City Staff, Glen Wetterow presented the staff report with a recommendation for approval. Mr. Wetterow noted this request is to downgrade the zoning from M-2 to M-1. Mr. Wetterow stated the petitioner is making this request because they are seeking to add an additional use to the services they currently provide. The additional use is not permitted in the M-2 zoning district. Mr. Wetterow noted the character of the neighborhood has shifted from manufacturing/industrial to mixed use with residential, commercial, and light industrial (warehouse) uses. The M-1 zoning request is complementary and consistent to the existing uses in the area. The M-1 zoning is consistent with the City's Comprehensive Plan.

No questions for Staff from the Commission.

Vice-Chair Boyd opened the public hearing portion of the meeting related to this case.

Scott Swanson of Workbench Architects (234 Front Street) spoke on behalf of the project. He is acting on behalf of the owner, Mid Central Community Action (MCCA), Inc. MCCA is establishing a partnership with Heartland Community College to provide introductory courses in the trades. This is a great location to offer these services. Mr. Swanson stated the owner was surprised to find the zoning of the property was still industrial/manufacturing as it has not been utilized as such for a considerable period. MCCA utilizes the building for office purposes. The classes will be offered on the lower level of the existing building. Mr. Swanson noted there is plentiful existing parking to accommodate existing and proposed use. Mr. Swanson noted that building is likely never going to be utilized for manufacturing/industrial purposes so the downgrade in zoning to M-1 is appropriate. Lastly, Mr. Swanson noted this is partnership will result in a great asset to the community.

There were no additional comments for or against the petition.

Vice-Chair Boyd closed the public hearing portion of the meeting related to this case.

Commissioner Krieger made a motion to establish findings of fact that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition.: The motion was seconded by Commissioner Muehleck.

Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Staff noted that this case will be placed on the November 28, 2022, City Council agenda for final consideration.

C. PR-11-22 Public hearing, review and action on a petition submitted by Jayrajsinh Patel requesting approval of a Legislative Site Plan with a Variance for the property located at 1041 Wylie Drive. PINs: 14-31-353-004 and 14-31-353-005.

Mr. Branham presented the report with a recommendation for approval. He described current site conditions and details of the proposal, including the request for a Variance for site density. He noted a similar hotel development had been approved in May of the past year, directly southeast of the site. He added direct pedestrian access and bicycling parking had been provided.

Mr. Patel (11 Kilbourn Court) spoke on behalf of the project and provided additional details. He stated there was growth in the area and demand for this type of project. He stated they would be building a dual-branded Holiday Inn and Candlewood Express.

Commissioner Beyer inquired if there are any anticipated issues with parking at the site. Mr. Patel responded that they provided more parking than what was required by the Code. He stated they have provided approximately 20 additional spaces. He added that there were no banquet or meeting facilities proposed, so only guest parking spaces would be needed.

Vice-Chair Boyd inquired if staff could clarify the parking requirements. Mr. Branham stated approximately 140 spaces would be required and that 166 had been provided.

Commissioner Beyer made a motion to establish findings of fact that the subject property meets the Legislative Site Plan Review criteria in Chapter 44.17-9 of the City Code and recommend that City Council approve a Site Plan for the property located at 1041 Wylie Drive. The motion was seconded by Commissioner Krieger.

> Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Commissioner Kreiger made a motion to establish findings of fact that the subject property meets the Variance criteria in Chapter 44, 17-9-D of the City Code recommend that the City Council approve the Variance associated with this site plan, to allow 774 square feet provided for each guest room, for the property located at 1041 Wylie Drive. The motion was seconded by Commissioner Patino.

Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Staff noted that this case will be placed on the November 28, 2022, City Council agenda for final consideration.

D. PR-12-22 Public hearing, review and action on a petition submitted by Seneca Companies requesting approval of a Legislative Site Plan with a Variance for the property located at 1403 N. Veterans Parkway.

Mr. Branham presented the report with a recommendation for approval. He described current site conditions and details of the expansion proposal, including the request for a Variance for a shorter distance of the proposed drive-through facility to the adjacent residential district.

Vice-Chair Boyd inquired whether there were any anticipated issues with additional traffic or flow. Mr. Branham responded that the item had been preliminary reviewed by Public Works and no concerns were identified.

Jon Brehm (Hy-Vee Inc., 5820 Westown Parkway, West Des Moines, IA) spoke on behalf of the project and provided additional details regarding the proposed pick-up operation. He stated the canopy and drive-up lane are for e-commerce purposes. He added the project would protect employees from weather and provide wayfinding for customers to obtain groceries. He stated up to 16 vehicle could be accommodated under the canopy and the average waiting time for grocery pick-up is approximately 60 seconds.

Vice-Chair Boyd inquired whether Hy-Vee currently offered online pick-up options. Mr. Brehm responded yes and that the proposed project would allow for improved service to the customer and a safer environment for employees.

Commissioner Beyer inquired about the car queuing and if there was consideration to reduce the area to meet the residential setback requirement. Mr. Brehm responded that they had investigated options but ultimately needed to align the canopy with the existing door opening.

Commissioner Beyer inquired whether there were any safety concerns. Mr. Brehm responded that they do not anticipate any issues. He stated customers usually drive slow and no other traffic should be coming through this area.

Commissioner Beyer asked if the area would accommodate only smaller vehicles. Mr. Brehm responded that a box truck could fit but it is not intention to allow commercial trucks. He stated they do sometimes see recreational vehicles.

Commissioner Muehleck made a motion to establish findings of fact that the subject property meets the Legislative Site Plan Review criteria in Chapter 44.17-9 of the City Code and recommend that City Council approve a Site Plan for the property located at 1403 N. Veterans Parkway. The motion was seconded by Commissioner Krieger.

> Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Commissioner Beyer made a motion to establish findings of fact that the subject property meets the Variance criteria in Chapter 44, 12-7-B-1 of the City Code recommend that the City Council approve a Variance associated with this site plan, to allow construction of the building at 105-feet from a Residential District, for the property located at 1403 N. Veterans Parkway. The motion was seconded by Commissioner Krieger.

> Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Staff noted that this case will be placed on the November 28, 2022, City Council agenda for final consideration.

E. Z-13-22 Public hearing, review and action on a petition submitted by Eastview Christian Church, requesting a Zoning Map Amendment for the property located at 602 S. Main Street, from B-1 (General Commercial) District to P-2 (Public Lands and Institutions) District. PIN: 21-09-130-003.

City Staff, Mr. Wetterow presented the report with a recommendation for approval. Mr. Wetterow note this property was previously utilized by the YMCA. They have since moved and left the building vacant. Mr. Wetterow noted there is parking adjacent to the building, but there is also a parking lot across E. MacArthur Avenue that is associated with this property and the parking lot is already zoned P-2. The majority of the surrounding properties are zoned P-2 so this zoning request brings this property into alignment with the zoning of the area. Additionally, the P-2 zoning will ensure the proposed and future uses of the property are congruent with the existing neighboring uses which are predominately public/institutional uses. While this area is adjacent to a commercial corridor the uses in the area have shifted from commercial to public/institution. Mr. Wetterow noted the petitioner is making this request because the proposed use, Community Center, is not permitted within the current B-1 zoning district but is permitted in the P-2 zoning district. The YMCA was defined as a Sports and Fitness Establishment which as permitted in the B-1 zoning district. Mr. Wetterow highlighted how the proposed zoning map amendment is in alignment with the City's Comprehensive Plan and meets several of its goals and objectives.

Vice-Chair Boyd asked for clarification of the definition of a "Sports and Fitness Establishment" and a "Community Center" and their differences. Mr. Wetterow provided the two definitions and identified the differences between them. Mr. Wetterow again noted that a Community Center is not permitted in B-1 but a Sports and Fitness Establishment is.

Vice-Chair Boyd opened the public hearing portion of the meeting related to this case.

Tommy Nika of Eastview Christian Church, (1500 N. Airport Road, Normal, IL). Mr. Nika is a staff member at Eastview Christina Church, he is the Community Center Director. Mr. Nika noted that Eastview Christian Church has been working with the YMCA for roughly eight months to purchase the property. They have also been speaking with Home Sweet Home Ministries as they are located on a neighboring property and utilize the off-site parking lot associated with this property. Eastview Christian Church will continue to allow Home Sweet Home Ministries to utilize the lot for their parking needs. Mr. Nika listed partnerships they are forming to assist in the proposed projects and services they intend to offer at this location. The primary focus will be on youth outreach.

Jeremy Hayes, Executive Director of the City of Bloomington Housing, (104 E. Wood Street, Suite #1) spoke in favor of the petition. Mr. Hayes stated his organization owns and operates Woodhill Towers which is located across E. MacArthur Avenue from the property. He is supporting this request on two counts. The first count is from a land use perspective the P-2 zoning request is more appropriate than the existing B-1 zoning. When the YMCA left the location, the Housing Authority was concerned about the potential uses which might go into the site and how they might negatively impact the individuals they serve at Woodhill Towers. Secondly, his organization is supporting this request is because if the zoning amendment is approved it will result in a community partner moving into the location and thus ensuring the building does not become vacant. The Housing Authority has a longstanding partnership with Eastview Community Church. The Housing Authority supports proposed concept/use for this location.

Mr. Wetterow apologized for not stating this in his Staff Report portion of the meeting, but wanted to note that the P-2 zoning has a unique clause associated with it related to discontinuance of a use. Should the use become discontinued for the timeframe specified by the code then the zoning of the property reverts to R-1A which is a single-family zoning district. Should Eastview Christian Church or future owners cease using the property the property would revert to R-1A zoning and would likely have to be rezoned to accommodate another use on the property. The rezoning would open up public input as it would have to go before the Commission and surrounding property owners would have to be notified. This ultimately provides a level of protection to the surrounding property owners as it allows for them to have input on the uses that would go onto the property.

There were no additional individuals present to speak in favor or opposition to the petition.

Vice-Chair Boyd closed the public hearing portion of the meeting related to this case.

Commissioner Krieger made a motion to establish findings of fact that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition. The motion was seconded by Commissioner Muehleck.

Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Staff noted that this case will be placed on the November 28, 2022, City Council agenda for final consideration.

F. Z-12-22 Public hearing, review and action on a petition submitted by DKS Properties Inc, for approval of an Annexation Agreement and Zoning Map Amendment for the property located at 2318 W. Market Street. PIN: 20-01-200-012.

City Staff, Mr. Wetterow presented the report with a recommendation for approval. Mr. Wetterow noted the following case, PS-04-22, is linked as this property had been inadvertently approved as part of the Amended Preliminary Plan for Interstate Business Park. The Petitioner seeks to annex the property into the City and included it as part of the Second Amended Preliminary Plan for Interstate Business Park. Mr. Wetterow indicated the history of property, focusing on prior annexation agreements and approved preliminary plans.

Mr. Wetterow noted the neighboring zoning and uses. The property is currently zoned M-1 within the County, which is a restricted manufacturing district. This does not align with the City's Comprehensive Plan for this area. As part of the annexation of this property, the petitioner is requesting the property be zoned B-1 which is more appropriate for this location given its proximity to W. Market Street. Additionally, this zoning aligns with the City's Comprehensive Plan for the area. Mr. Wetterow noted city infrastructure is already adjacent to the property and sidewalks have already been installed according to the previously approved preliminary plans for the area. Mr. Wetterow identified the property on the original preliminary plan and the amended preliminary plan and highlight how the property was excluded in the original preliminary plan but was incorrectly included on the Amended Preliminary Plan.

Vice-Chair inquired if this case and PS-04-22 could be heard and voted on at the same time. Mr. Boyle noted that while they are linked the two matters are different and the standards for review are different so it would be beneficial to hear them as separate cases.

Vice-Chair Boyd opened the public hearing portion of the meeting related to this case.

David Armstrong, Attorney for DKS Properties Inc, (207 W Jefferson, Suite 400) spoke on behalf of the project. Mr. Armstrong thanked City Staff for their assistance in navigating this entire process as this originally started out as a Final Plat discussion. In reviewing the Final Plat submittal, it was determined by City Staff the Amended Preliminary Plan had expired and this piece of property was not within the City. Mr. Armstrong noted this request is to annex a piece of property that should have been annexed when the rest of the area was. He has not been able to find any documentation providing a reason as to why it wasn't annexed with the surrounding properties. He noted the property was erroneously included in the Amended Preliminary Plan from 15 years ago. Mr. Armstrong noted the property has access to City services and functions like it is already within the City.

There were no additional individuals present to speak in favor or opposition to the petition.

Vice-Chair Boyd closed the public hearing portion of the meeting related to this case.

Commissioner Krieger made a motion to establish findings of fact that the proposed Annexation

Agreement and Zoning Map Amendment are in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition. The motion was seconded by Commissioner Muehleck.

Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Staff noted that this case will be placed on the November 28, 2022, City Council agenda for final consideration.

G. PS-04-22 Public hearing, review and action on a petition submitted by DKS Properties Inc, requesting approval of the Second Amended Preliminary Plan for Interstate Business Park for the properties generally located near the intersection of W. Market Street and Avalon Way and along Interstate Drive. PINs: 20-01-200-010, 20-01-200-012, 20-01-200-050, and 20-01-200-051.

City Staff, Mr. Wetterow presented the report with a recommendation for approval. Mr. Wetterow noted this request is linked to Case Z-12-22. In the Amended Preliminary Plan for Interstate Business Park the property associated with Case Z-12-22 was inadvertently included even though it was not part of the City. Pending approval of Case Z-12-22, this Second Amended Plan correctly identifies this property as part of the City. Additionally, preliminary plans are only valid for three (3) years based upon City Code. They can be extended through various methods, but in this instance the Amended Preliminary Plan had expired. The owner of the properties seeks to Final Plat portions of the properties and cannot do so without an active Preliminary Plan. The Second Amended Preliminary Plan would facilitate the final platting. Mr. Wetterow noted several properties have already been final plated and thus were not identified on the Second Amended Preliminary Plan, only those properties not final platted were identified. Mr. Wetterow noted the Second Amended Preliminary Plan is in compliance with the City's Comprehensive Plan. Mr. Wetterow noted the previously approved Amended Preliminary Plan did have several waivers that were approved with it. The waivers were related to right-of-way width and location of sidewalks. The Petitioner is not asking for any additional waivers but is asking for the same waivers that were previously approved. City and private infrastructure have already been installed according to the waivers approved in the Amened Preliminary Plan. Mr. Wetterow noted Public Works staff reviewed and approved the plan as submitted and the associated waivers.

Vice-Chair Boyd opened the public hearing portion of the meeting related to this case.

David Armstrong, attorney, (207 W Jefferson, Suite 400) spoke on behalf of the project. Mr. Armstrong noted nothing changed from the Amended Preliminary Plan to the Second Amended Preliminary Plan. The Amended Preliminary Plan had expired so to final plat some property a preliminary plan had to be reinstated. This is the purpose of the Second Amended Preliminary Plan.

There were no additional individuals present to speak in favor or opposition to the petition.

Vice-Chair Boyd closed the public hearing portion of the meeting related to this case.

Commissioner Beyer made a motion to establish findings of fact that the proposed Second Amended

Preliminary Plan for Interstate Business Park conforms with the standards and purpose of the Subdivision Code and recommend approval of the petition to City Council. The motion was seconded by Commissioner Muehleck.

Vice-Chair Boyd noted he is not a fan of only having sidewalks on one side of the road but as this was already previously approved this way, he was not going to object.

Mr. Krieger – Yes, Mr. Muehleck – Yes, Mr. Sant-Amour – Yes, Ms. Patino – Present, Ms. Beyer – Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Staff noted that this case will be placed on the November 28, 2022, City Council agenda for final consideration.

OLD BUSINESS - None.

NEW BUSINESS – Mr. Wetterow noted City Staff would be presenting more text amendments for the Commission to review and approve at the December meeting.

ADJOURNMENT

Vice-Chair Boyd asked for a motion to adjourn. Commissioner Krieger made said motion to adjourn. The motion was seconded by Commissioner Patino. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (6-0). The meeting was adjourned at 4:52 P.M.

DRAFT

PLANNING COMMISSION

TO:	Planning Commission
FROM:	Economic & Community Development Department
DATE:	December 7, 2022
CASE NO:	Z-14-22, Zoning Map Amendment
REQUEST:	Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Zoning Map Amendment for the property located at 1710, 1802, 1810 and 1818 Tullamore Avenue, from B-1 (General Commercial) District to P-2 (Public Lands & Institutions) District. PIN(s): 22-18-203-011, 22-18-203-012, 22-18-203-013 and 22-18-203-014.

BACKGROUND

Request
The Petitioner seeks a Zoning Map Amendment for the subject properties, from B-1 (General Commercial) District to P-2 (Public Lands and Institutions) District, to allow for the construction of multiple-family dwellings. This Zoning Map Amendment request is associated with case PS-04-22, a Preliminary Plan for the Residences at The Links Subdivision as they are identified within it.

Property Characteristics
The subject properties consist of 2.38 acres of land located at 1710, 1802, 1810 and 1818 Tullamore Avenue. These properties are currently vacant with no building(s) on the properties. The properties are currently owned by Ireland Grove, LLC, and are being sold to Green Fairways Development, LLC. The current properties consist of four parcels. The owner has submitted a request with the McLean County Assessor's Office to combine the four properties into one parcel. If the Zoning Map Amendment is granted this new singular lot will be combined with the neighboring property to the east. The properties are currently vacant.

Notice
The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 21, 2022. Courtesy notices were mailed to 8 property owners within 500 feet of the subject property.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	B-1 (General Commercial)	Offices
South	A (Agriculture, County)	Farmland
East	P-2 (Public Lands and Institutions)	Golf Course
West	B-1 (General Commercial)	Offices/Multiple-Family Dwellings/Place of Worship

ANALYSIS

*Comparison of Existing and Proposed Districts**

Existing Zoning: B-1 (General Commercial) District

The intent of this B-1 General Commercial District is to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types.

Proposed Zoning: P-2 (Public Lands and Institutions) District

The intent of this P-2 Public Lands and Institutions District is to allow for the establishment and maintenance of public uses, publicly-regulated uses and private uses that display an inherent relationship to the public interest. The creation of such a district shall be provided for parcels of substantial size where such community serving uses are necessary in order that adequate community services may be rendered and where, through proper site selection and planning, such uses are compatible with the surrounding area.

*A list of permitted uses for commercial and public interest districts can be found online in Chapter 44, Divisions 5-1 and 7-1, respectively.

Compliance with the Comprehensive Plan

The proposed Zoning Map Amendment contributes to Goals H-1. (Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington), H-1.1 Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits), N-2.2 (Celebrate the uniqueness of Bloomington's neighborhoods), N-2.2a (Identify the unique qualities of each neighborhood and promote these as destinations for desirable areas to live, work, shop and play), HL-4. (Continue to develop quality parks and recreational programming for all), and HL-4.1 (Ensure that all parks have amenities and facilities that appeal to residents of all ages and abilities).

The 2035 Comprehensive Plan's Future Land Use map identifies this section of Tullamore Avenue as Regional Commercial in the built areas. The Land Use Priorities map identifies this area as Tier-1, vacant and under-utilized land for infill development or redevelopment within the City.

STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

Zoning Map Amendment for B-1 to P-2

1. **The suitability of the subject property for uses authorized by the existing zoning.**

   Uses permitted within the B-1 (General Commercial) District are primarily commercially oriented. The District is designed to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The intent is to facilitate development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. Uses permitted in this district will provide for those services to meet the commercial/retail needs within the City. While these properties and nearby properties are zoned B-1, the uses are oriented more towards local commercial. The existing road network is not designed to support regional commercial.

2. **The length of time the property has remained vacant as zoned considered in the context of land development in the area.**

   The properties have always been vacant. The properties were created in 2006 and never developed. All the adjacent properties are developed. These are the only vacant properties within the immediate area.

3. **The suitability of the subject property for uses authorized by the proposed zoning.**

   While these properties are adjacent to a commercially zoned properties, the uses on these commercial properties vary considerably. The adjacent P-2 zoned property serves to provide desirable recreational services to these properties. The uses authorized are within the proposed zoning would be complementary to existing uses. Whenever any use of property in a P-1 or P-2 district, whether permitted, special or nonconforming, is discontinued for a period of 18 months, the zoning classification of such property shall, as of the first day of discontinuance of such use, revert to the classification of R-1A. The requested zoning of P-2 (Public Lands & Institutions) is more compatible with existing uses and zoning of adjacent properties. The requested zoning is more suitable for said premises and the benefits realized by the general public.

4. **The existing land uses and zoning of nearby property.**

   The subject properties are surrounded by public, office, and multi-family residential uses, agricultural uses boarder the area. Additionally, a multi-family dwelling use would be complementary to the area.

5. **Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.**

   If the Zoning Map Amendment is granted, the applicant would be able to utilize these vacant properties as part of a large-scale multi-family development. This results in helping to fulfill the need for quality non-student multi-family housing identified in the EDC's Bloomington-Normal Housing Analysis. This will permit more of the local workforce to live locally and provide housing for critically needed workers. Given the location the use will be a benefit to the neighboring properties and community as a whole.

6. **The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

   The sites have access to Tullamore Avenue and will have additional access to Ballybunion once the proposed development is completed.

7. **The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.**

   § 44-106 G applies if more than 1,400 sq. ft. of impervious surface is created or altered.

8. **The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

   The site is currently served by existing watermains and sewer connections, as well as fire and police protection. The property is served by Unit 5 school district.

9. **The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein.**

   The Map Amendment is intended to facilitate the development of vacant properties. The proposed use will have similar impact on the surrounding properties and will be compatible with existing uses. This will provide a net benefit to the immediate area and community as a whole. The area in question has changed such that said present zoning is no longer contributing to the public welfare. The requested zoning of P-2 (Public Lands & Institutions) is more compatible with existing uses and zoning of adjacent properties. Additionally, the requested zoning is more suitable for said premises and the benefits realized by the general public.

10. **The extent to which property values are diminished by the particular zoning restriction.**

    The new zoning restrictions are not expected to dimmish property values. On the contrary, the Zoning Map Amendment and proposed use should result in increased property values. Given the mixed development in the area the proposed development will supplement and complement the existing development facilitating their continued operation.

11. The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public.

The proposed Zoning Map Amendment and use are not anticipated to diminish property values in the area. The Zoning Map Amendment and use will be beneficial to the general welfare of the public in providing critically needed housing.

12. Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it.

The Comprehensive Plan's Future Land Use map identifies this section of Tullamore Avenue as Regional Commercial in the built areas. The Land Use Priorities map identifies this area as Tier-1, vacant and under-utilized land for infill development or redevelopment within the City. While the Comprehensive Plan identifies this area as regional commercial, the area has not developed according to the Comprehensive plan. The properties have developed in a manner that is in greater alignment with local commercial. The requested zoning of P-2 (Public Lands & Institutions) is more compatible with these existing local uses. Additionally, the proposed development facilitated by the Zoning Map Amendment will bolster the existing neighboring developments.

13. Whether the City needs the proposed use.

The proposed Map Amendment would allow development of the properties as multiple-family dwellings. This future dwelling will meet the need for quality non-student multi-family housing identified in the Economic Development Center's Bloomington-Normal Housing Analysis. The development will serve the immediate community and City as a whole.

STAFF RECOMMENDATION

Staff finds that the request for a Zoning Map Amendment ***is in the public interest and not solely for the benefit of the applicant***, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

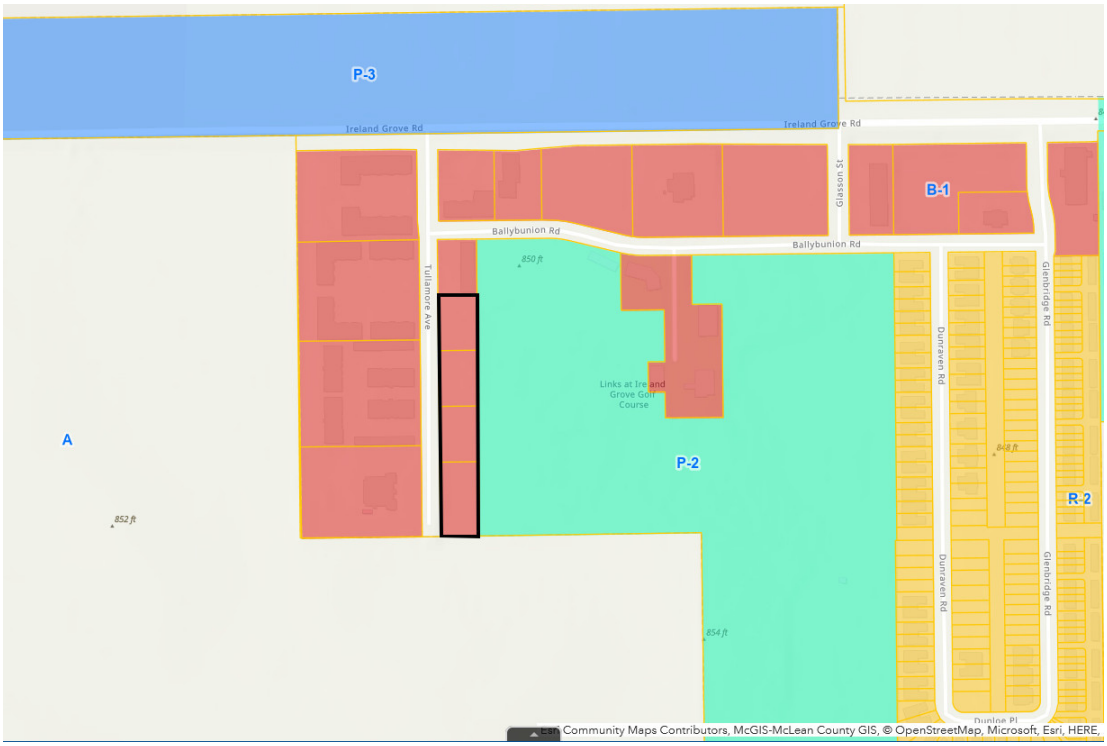
Motion to establish findings of fact that the proposed Zoning Map Amendment ***is in the public interest and not solely for the benefit of the petitioner*** and recommend ***approval*** of the petition.

Respectfully submitted,
Glen Wetterow
City Planner

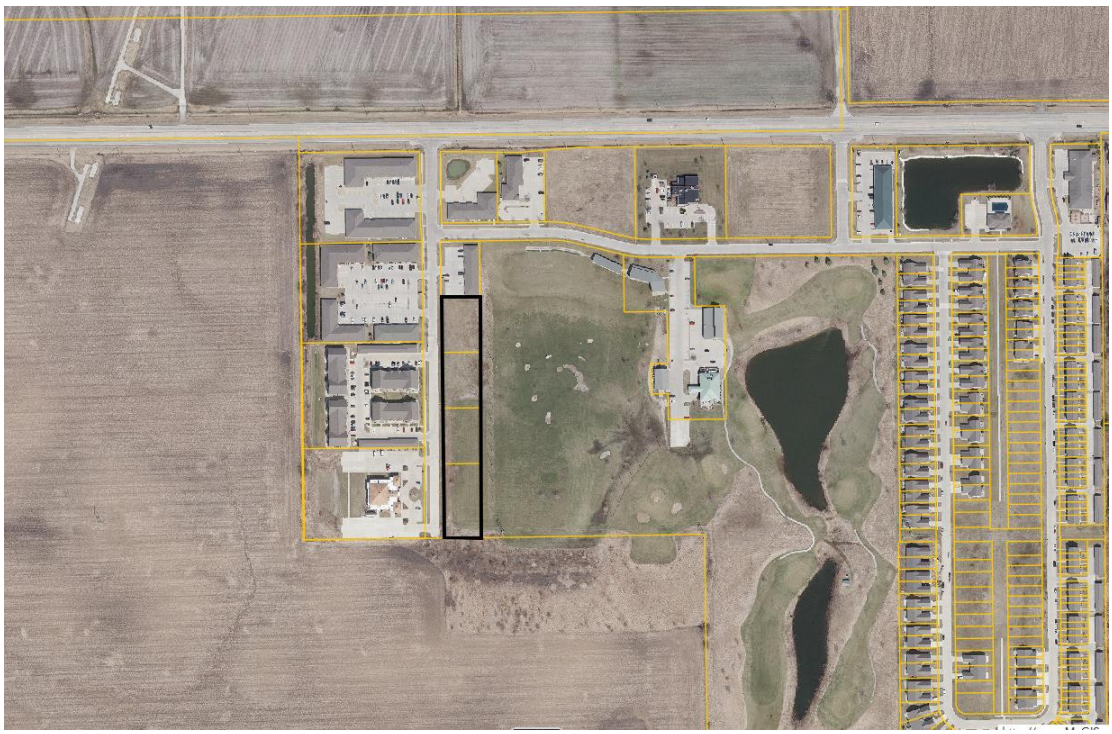
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Petitioner-Submission – Description of Project
5. Neighborhood notice map

Attachment 1 – Zoning Map



Attachment 2 - Aerial Image



Attachment 3 - Ground-Level View(s)

Attachment 4 – Petitioner-Submission – Description of Project

NOW COMES Green Fairways Development, LLC, an Illinois limited liability company, here-inafter referred to as your petitioner(s), respectfully representing and requesting as follows:

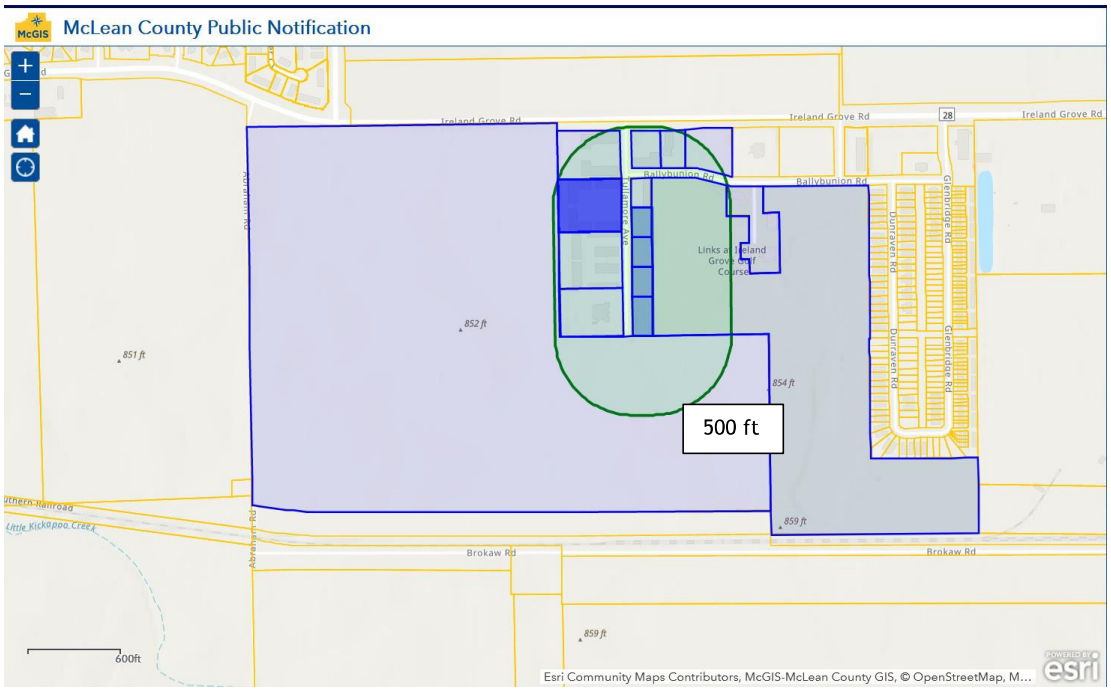
1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises is divided into four (4) lots, which the Owner has requested be combined into a single parcel number.
3. That said premises legally described in Exhibit "A", representing the entirety of the four (4) lots, presently has a zoning classification of B-l (General Commercial District), under the provisions of Chapter 44 of the Bloomington City Code, 1960;
4. That the present zoning on said premises is inappropriate due to the area in question having changed such that said present zoning is no longer contributing to the public welfare;
5. That your petitioner(s) hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the P-2 (Public Lands and Institutions District), under the provisions of Chapter 44 of the Bloomington City Code, 1960;
6. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

7. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner(s) by the present zoning of said premises.

WHEREFORE, your petitioner(s) respectfully pray(s) that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from B-l (General Commercial District) to P-2 (Public Lands and Institutions District).

Response to each Standard for Review
Developed as part of ongoing discussions with City staff. Always vacant land (2009). P-2 is appropriate zoning for developments adjoining public lands. This project adjoins a 9-hole golf course. This property is adjacent to land which will be part of the development and is already zoned P-2. There should be no hardship to the public. This development will provide needed upscale multi-family housing. Adequate streets are available. Storm water can be adequately provided for through existing storm water detention and as otherwise agreed between Developer and the City. This development has been vetted with City staff and there are no concerns about inadequacy of necessary services. This development provides needed housing with access to desired amenities. Adjoining property values will not be diminished. This development is in harmony with stated City objectives providing best use of property and desirable infill.

Attachment 5 - Neighborhood Notice Map



PLANNING COMMISSION

TO: Planning Commission

FROM: Economic & Community Development Department

DATE: December 7, 2022

CASE NO: Z-15-22, Zoning Map Amendment

REQUEST: Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Zoning Map Amendment for part of the property located at 3801, 3803, 3805, and 3807 Ballybunion Road, from B-1 (General Commercial) District to P-2 (Public Lands & Institutions) District. Part of PIN(s): 22-18-203-006.

BACKGROUND

Request
The Petitioner seeks a Zoning Map Amendment for part of the subject property, from B-1 (General Commercial) District to P-2 (Public Lands and Institutions) District, to allow for the construction of multiple-family dwellings. The property is currently owned by Ireland Grove, LLC, and is being sold to Green Fairways Development, LLC.

Property Characteristics
The part of the subject property consists of 0.59 acres of land located at 3801 Ballybunion Road. The remaining portion of the property consists of 2.13 acres of land located at 3803, 3805, and 3807 Ballybunion Road. The portion of the property, 3801 Ballybunion Road, has a building associated with the driving range on it. The remaining property, 3803, 3805, and 3807 Ballybunion Road, has a brewery and restaurant located on it. A portion of the property will be rezoned to P-2 (Public Lands and Institutions) District with the remaining portion of the property maintaining the current zoning of from B-1 (General Commercial) District. Once the portion of the property is rezoned it will be subdivided and combined with the neighboring property to the west. The portion of the property seeking to be rezoned has a building on it which is utilized as part of the existing driving range. This building will be demolished to facilitate the construction of the multiple-family dwellings. The remaining portion of the property has two buildings on it, a brewery and restaurant.

Notice:
The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 21, 2022. Courtesy notices were mailed to 7 property owners within 500 feet of the subject property.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	B-1 (General Commercial)	Medical Office
South	P-2 (Public Lands and Institutions)	Golf Course
East	P-2 (Public Lands and Institutions)	Golf Course
West	P-2 (Public Lands and Institutions)	Golf Course

ANALYSIS

*Comparison of Existing and Proposed Districts**

Existing Zoning: B-1 (General Commercial) District

The intent of this B-1 General Commercial District is to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types.

Proposed Zoning: P-2 (Public Lands and Institutions) District

The intent of this P-2 Public Lands and Institutions District is to allow for the establishment and maintenance of public uses, publicly-regulated uses and private uses that display an inherent relationship to the public interest. The creation of such a district shall be provided for parcels of substantial size where such community serving uses are necessary in order that adequate community services may be rendered and where, through proper site selection and planning, such uses are compatible with the surrounding area.

*A list of permitted uses for commercial and public interest districts can be found online in Chapter 44, Divisions 5-1 and 7-1, respectively.

Compliance with the Comprehensive Plan

The proposed Zoning Map Amendment contributes to Goals H-1. (Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington), H-1.1 Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits), N-2.2 (Celebrate the uniqueness of Bloomington's neighborhoods), N-2.2a (Identify the unique qualities of each neighborhood and promote these as destinations for desirable areas to live, work, shop and play), HL-4. (Continue to develop quality parks and recreational programming for all), and HL-4.1 (Ensure that all parks have amenities and facilities that appeal to residents of all ages and abilities)

The 2035 Comprehensive Plan's Future Land Use map identifies this section of Ballybunion Road as Regional Commercial in the built areas. The Land Use Priorities map identifies this area as Tier-1, vacant and under-utilized land for infill development or redevelopment within the City.

STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

Amendment for B-1 to P-2

1. **The suitability of the subject property for uses authorized by the existing zoning.**

   Uses permitted within the B-1 (General Commercial) District are primarily commercially oriented. The District is designed to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The intent is to facilitate development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. Uses permitted in this district will provide for those services to meet the commercial/retail needs within the City. While these properties and nearby properties are zoned B-1, the uses are oriented more towards local commercial. The existing road network is not designed to support regional commercial.

2. **The length of time the property has remained vacant as zoned considered in the context of land development in the area.**

   The property is not vacant but is underutilized given the neighboring property uses. Once the property is rezoned and the property is combined with the adjacent property to the east, the building will be demolished, and a multiple-family dwelling will be constructed upon it. Then the development on this property will be more congruent with development on surrounding properties.

3. **The suitability of the subject property for uses authorized by the proposed zoning.**

   While this property is adjacent to a commercially zoned properties, the uses on these commercial properties vary considerably. The adjacent P-2 zoned property serves to provide desirable recreational services to this property. The uses authorized within the proposed zoning would be complementary to existing uses. Whenever any use of property in a P-1 or P-2 district, whether permitted, special or nonconforming, is discontinued for a period of 18 months, the zoning classification of such property shall, as of the first day of discontinuance of such use, revert to the classification of R-1A.

4. **The existing land uses and zoning of nearby property.**

   The subject property is surrounded by public, medical office, commercial and multiple-family residential uses. A multiple-family dwelling use would be complementary to the area.

5. **Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.**

   If the Zoning Map Amendment is granted, the applicant would be able to utilize this underutilized portion of the property as part of a large-scale multiple-family development.

This results in helping to fulfill the need for quality non-student multiple-family housing identified in the EDC's Bloomington-Normal Housing Analysis. This will permit more of the local workforce to live locally and provide housing for critically needed workers. Given the location the use will be a benefit to the neighboring properties and community as a whole.

6. **The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

   The sites have access to Ballybunion Road and will have additional access to Tullamore Avenue once the proposed development is completed.

7. **The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.**

   § 44-106 G applies if more than 1,400 sq. ft. of impervious surface is created or altered.

8. **The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

   The site is currently served by existing watermains and sewer connections, as well as fire and police protection. The property is served by Unit 5 school district.

9. **The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein.**

   The Map Amendment is intended to facilitate development of an underutilized portion of the property. The proposed use will have similar impact on the surrounding properties and will be compatible with existing uses. This will provide a net benefit to the immediate area and community as a whole.

10. **The extent to which property values are diminished by the particular zoning restriction.**

    The new zoning restrictions are not expected to dimmish property values. On the contrary, the Zoning Map Amendment and proposed use should result in increased property values. Given the mixed development in the area the proposed development will supplement and complement the existing development facilitating their continued operation.

11. **The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public.**

    The proposed Zoning Map Amendment and use are not anticipated to diminish property values in the area. The Zoning Map Amendment and use will be beneficial to the general welfare of the public in providing critically needed housing.

12. **Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it.**

    The Comprehensive Plan's Future Land Use map identifies this section of Ballybunion Road

as Regional Commercial in the built areas. The Land Use Priorities map identifies this area as Tier-1, vacant and under-utilized land for infill development or redevelopment within the City. While the Comprehensive Plan identifies this area as regional commercial, the area has not developed according to the Comprehensive plan. The properties have developed in a manner that is in greater alignment with local commercial. The requested zoning of P-2 (Public Lands & Institutions) is more compatible with these existing local uses. Additionally, the proposed development facilitated by the Zoning Map Amendment will bolster the existing neighboring developments.

13. Whether the City needs the proposed use.

The proposed Map Amendment would allow development of the properties as multiple-family dwellings. These future dwellings will meet the need for quality non-student multi-family housing identified in the EDC's Bloomington-Normal Housing Analysis. The development will serve the immediate community and City as a whole.

STAFF RECOMMENDATION

Staff finds that the request for a Zoning Map Amendment ***is in the public interest and not solely for the benefit of the applicant***, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

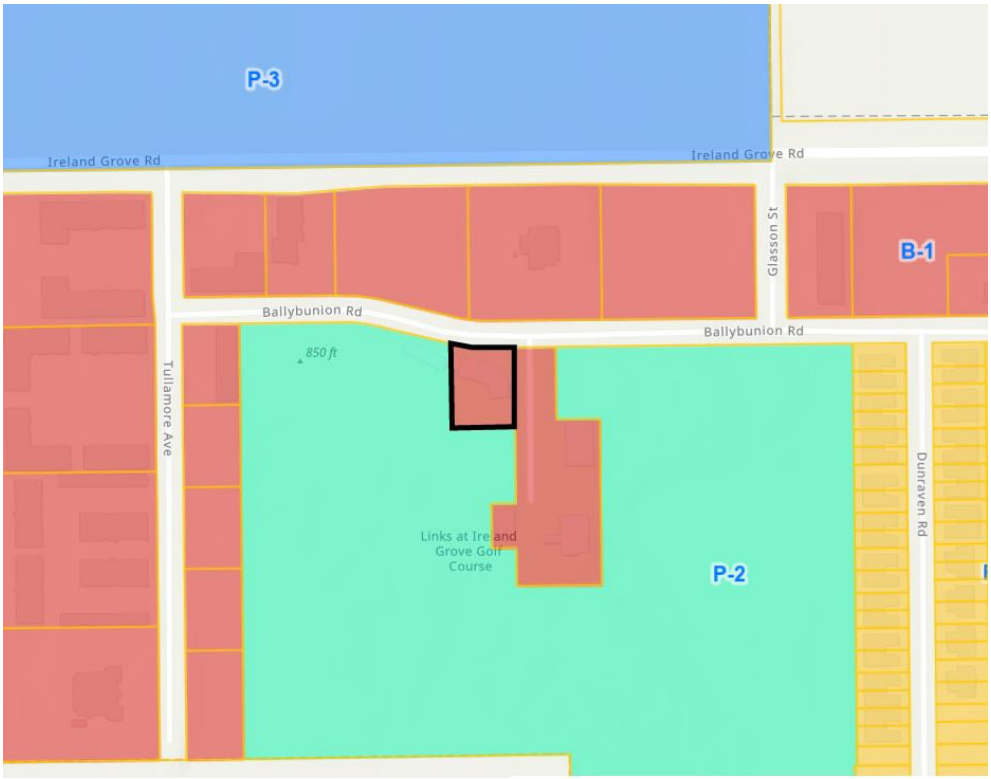
Motion to establish findings of fact that the proposed Zoning Map Amendment ***is in the public interest and not solely for the benefit of the petitioner*** and recommend ***approval*** of the petition.

Respectfully submitted,
Glen Wetterow
City Planner

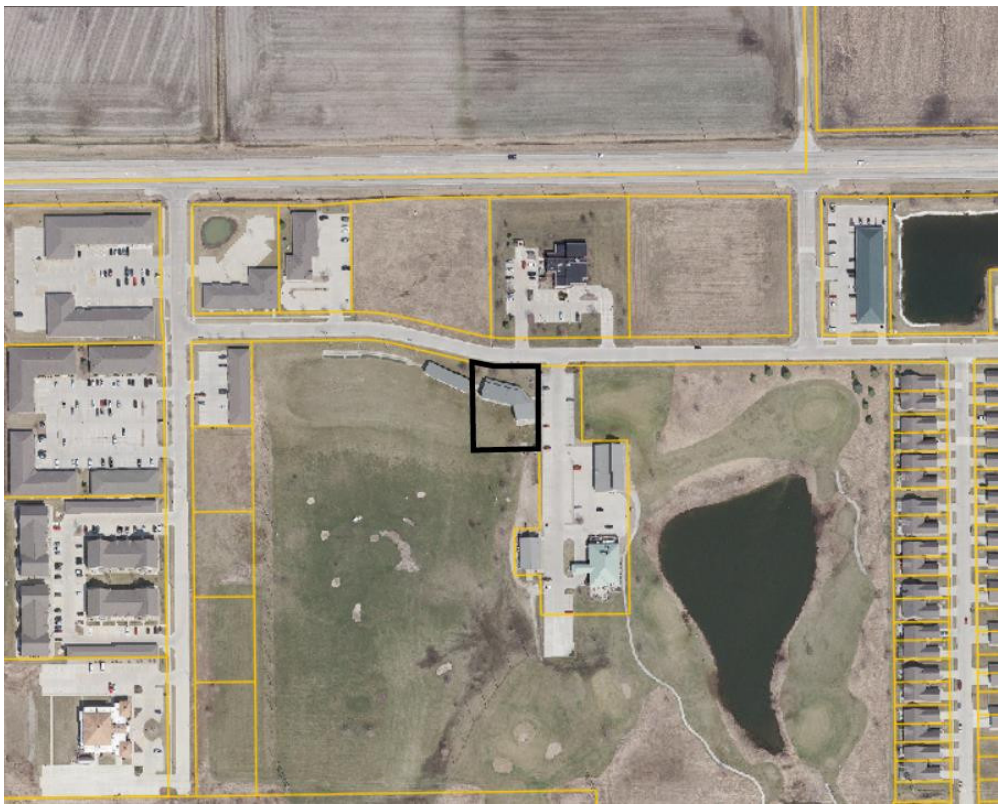
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Petitioner-Submission – Description of Project
5. Neighborhood notice map

Attachment 1 – Zoning Map



Attachment 2 - Aerial Image



Attachment 3 - Ground-Level View(s)

Attachment 4 – Petitioner-Submission – Description of Project

NOW COMES Green Fairways Development, LLC, an Illinois limited liability company, here-inafter referred to as your petitioner(s), respectfully representing and requesting as follows:

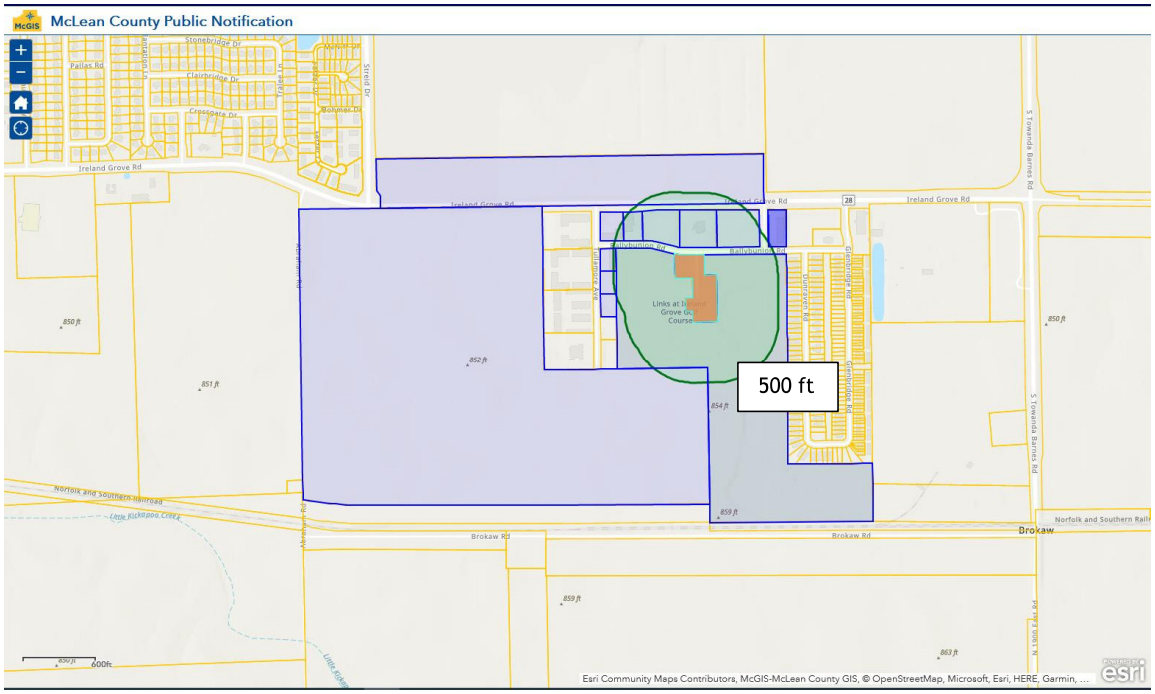
1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises is divided into four (4) lots, which the Owner has requested be combined into a single parcel number.
3. That said premises legally described in Exhibit "A", representing the entirety of the four (4) lots, presently has a zoning classification of B-l (General Commercial District), under the provisions of Chapter 44 of the Bloomington City Code, 1960;
4. That the present zoning on said premises is inappropriate due to the area in question having changed such that said present zoning is no longer contributing to the public welfare;
5. That your petitioner(s) hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the P-2 (Public Lands and Institutions District), under the provisions of Chapter 44 of the Bloomington City Code, 1960;
6. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
7. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner(s) by the present zoning of said premises.

WHEREFORE, your petitioner(s) respectfully pray(s) that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from B-l (General Commercial District) to P-2 (Public Lands and Institutions District).

Response to each Standard for Review

Developed as part of ongoing discussions with City staff. Always vacant land (2009). P-2 is appropriate zoning for developments adjoining public lands. This project adjoins a 9-hole golf course. This property is adjacent to land which will be part of the development and is already zoned P-2. There should be no hardship to the public. This development will provide needed upscale multi-family housing. Adequate streets are available. Storm water can be adequately provided for through existing storm water detention and as otherwise agreed between Developer and the City. This development has been vetted with City staff and there are no concerns about inadequacy of necessary services. This development provides needed housing with access to desired amenities. Adjoining property values will not be diminished. This development is in harmony with stated City objectives providing best use of property and desirable infill.

Attachment 5 - Neighborhood Notice Map



PLANNING COMMISSION

TO:	Planning Commission
FROM:	Economic & Community Development Department
DATE:	December 7, 2022
CASE NO:	PS-05-22, Preliminary Plan for Residences at The Links Subdivision
REQUEST:	Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Preliminary Plan for the Residences at The Links Subdivision for the properties generally located near the intersection of Ballybunion Road and Tullamore Avenue. PIN(s): 22-18-203-011, 22-18-203-012, 22-18-203-013, 22-18-203-014 and Part of PIN(s) 22-18-203-006 and 22-18-203-010.

BACKGROUND

Request

The Petitioner seeks approval of the Preliminary Plan for the properties generally located near the intersection of Ballybunion Road and Tullamore Avenue. The Petitioner seeks to develop this subdivision into a multi-family dwelling apartment complex. This case is associated with cases Z-14-22 and Z-15-22 which seek to rezone neighboring properties from B-1 to P-2 as they are intended to be a part of this development. The Petitioner was not required by code to submit this Preliminary Plan for review and approval. The Petitioner seeks to have the Preliminary Plan reviewed and approved to ensure what is proposed meets code and is acceptable to the elected officials and the public, especially the surrounding property owners. Approval of this Preliminary Plan for the Residences at The Links will facilitate the proposed development.

Property Characteristics

The subject properties contain approximately 19.67 acres of land, of which 0.59 acres is currently developed and 19.08 acres is undeveloped. The Preliminary Plan indicates the inclusion of property being requested to be rezoned in cases Z-14-22 and Z-15-22. Ultimately, all these properties will be combined into one. Access to the property will be available from Ballybunion Road and Tullamore Avenue. The surrounding properties are agriculturally (county), publicly, and commercially zoned. The property to the south is located within the County.

Notice

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 21, 2022. Courtesy notices were mailed to 9 property owners within 500 feet of the subject property.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	B-1 (General Commercial)	Office (Various Types) & Vacant Land
South	A (Agricultural, County)	Farmland (Vacant)
East	P-2 (Public Lands & Institutions)	Golf Course
West	B-1 (General Commercial)	Office (Various Types), Place of Worship, & Multiple-Family Dwellings (Apartment Complex)

ANALYSIS

Compliance with the Comprehensive Plan:
The proposed Preliminary Plan contributes to Goals ED-4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City), H-1. (Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington), H-1.1 Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits), N-2.2 (Celebrate the uniqueness of Bloomington's neighborhoods), N-2.2a (Identify the unique qualities of each neighborhood and promote these as destinations for desirable areas to live, work, shop and play), HL-4. (Continue to develop quality parks and recreational programming for all), and HL-4.1 (Ensure that all parks have amenities and facilities that appeal to residents of all ages and abilities) of the 2035 Comprehensive Plan.

The 2035 Comprehensive Plan's Future Land Use map identifies this area as parks and recreational space within the built areas. The Land Use Priorities map identifies portions this area as Tier-1 priority which is Vacant and under-utilized land for infill development or redevelopment within the City. Additionally, the Opportunities for Infill Development and Redevelopment map identifies a portion of this area as non-residential vacant property.

STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Preliminary Plan and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Preliminary Plan conforms with the standards and purpose of the Subdivision Code as listed in § 24-203A-L and discussed below.

Request for Second Amended Preliminary Plan for Interstate Business Park

1. **To protect, provide and promote the public health, safety and general welfare of the City.**

   The proposed subdivision has access to City utilities (water and sewer) for proper sanitation. Stormwater management will be addressed per § 44-106 G if more than 1,400 sq. ft. of impervious surface is created or altered when construction occurs. Lot characteristics proposed by the subject

Preliminary Plan are in compliance with the requirements of the P-2 (Public Lands & Institutions) District and supportive of the prescribed site design and development intensities for these Districts.

2. **To guide the future growth and development of the City, in accordance with the Comprehensive Plan.**

   The Comprehensive Plan identifies this area along Ballybunion Road and Tullamore Avenue as parks and recreational space within the built areas. The Land Use Priorities Map identifies portions this area as Tier-1 priority which is Vacant and under-utilized land for infill development or redevelopment within the City. Additionally, the Opportunities for Infill Development and Redevelopment Map identifies portion of this area as non-residential vacant property. While the Comprehensive Plan identifies this area as regional commercial, the area has not developed according to the Comprehensive plan. The properties have developed in a manner that is in greater alignment with local commercial. The requested zoning of P-2 (Public Lands & Institutions) is more compatible with these existing local uses. Additionally, the proposed development facilitated by the Zoning Map Amendment will bolster the existing neighboring developments. The proposed development falls in alignment with the Tier-1 priority of these properties. The Redevelopment Map identifies this area as non-residential vacant property, the existing surrounding commercial development is aligned with local commercial which would be supportive and complementary to residential development.

3. **To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.**

   The proposed subdivision will provide adequate separation between buildings, promoting light and air circulation. The configuration of the lots meets City requirements and will ensure overcrowding does not occur. The infrastructure indicated ensures efficient flow of traffic through the area. The proposed infrastructure has been reviewed and approved by the City's Public Works Department. There are no waivers requested with the Preliminary Plan.

4. **To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the community.**

   The lots indicated on the Preliminary Plan are currently or will be zoned, P-2 (Public Lands & Institutions) District, they are adjacent to either commercially, agriculturally (County) or publicly zoned properties. The properties to the north, east and west have already been final platted and developed according to B-1 and P-2 zoning standards. The property to the south is within the County and has not been final platted or developed. The uses permitted within the A (Agriculture) District will be in character with the proposed use of this property and the existing uses surrounding the properties. This area is still very undeveloped, and this Preliminary Plan serves to identify only a piece of the overall development in the area.

5. **To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.**

   The proposed subdivision and zoning are compatible with adjacent zoning and uses.

6. **To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.**

   The properties have access to City services (water, sewer and streets). The Land Use Priorities map identifies portions of this property as a Tier 1 priority (vacant and under-utilized land for infill development or redevelopment within the City). A portion of the property is identified as non-residential vacant property the Opportunities for Infill Development and Redevelopment Map. The existing surrounding commercial development is aligned with local commercial which would be supportive and complementary to residential development.

7. **To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building setback lines.**

   The lots proposed will have frontage off either Ballybunion Road or Tullamore Avenue. Six new approaches will be created to ensure appropriate points of ingress and egress from the property; the number and location have been approved by Public Works. Sidewalks will be installed as required per code.

8. **To establish reasonable standards of design and procedures for subdivision codes and resubdivisions, in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.**

   The Bloomington Subdivision Ordinance and Zoning Code ensure standards for design, subdivision and final platting; the proposed Preliminary Plan follows the required procedures and meets the standards identified within.

9. **To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision code and areas reasonably anticipated to be served by such facilities.**

   The lots can be served by existing City police and fire services. The lots are served by Unit 5 School District. The Tier 1 Priority classification considers access to existing public infrastructure and services. The existing street infrastructure can accommodate the initial development of this property; however, the fully developed project could require additional infrastructure. As a result, City Staff is requesting a traffic impact study be preformed by the Petitioner and provided to City Staff for review and is a condition of approval. The study will need to be provided to staff within 30 days of the recommendation by the Planning Commission. Findings will be provided to the Planning Commission for their review.

10. **To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land.**

    An Erosion and Sediment Control Permit will have to be reviewed and approved by the Public Works department as part of any construction permitting as required per § 44-106 G. This process will

ensure natural features such as streams and lakes are not negatively impacted. There is already existing stormwater infrastructure provided to accommodate this and surrounding properties. An additional stormwater detention area is identified on Lot 311. However, a stormwater plan is still required and must be approved by the City Engineering Division as part of the final platting process. The existing topography and natural resources have already been significantly modified by previous developments on this and surrounding properties.

11. **To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features.**

    An Erosion and Sediment Control Permit will have to be reviewed and approved by the Public Works department when construction is proposed for the properties as required per § 44-106 G. This permit and review process will ensure the natural beauty and topography are not negatively impacted. There is already existing and proposed stormwater infrastructure provided to accommodate this and surrounding properties on Lot 311 but will be revaluated for each development project in the area.

12. **To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the City's zoning ordinance.**

    The applicant has selected to subdivide and combine the property to ensure development occurs in a manner that meets the design and density requirements of the City's Zoning Code and those desired by the Petitioner, thus ensuring the most efficient layout of the lot and future structures. There are no waivers requested relate to infrastructure items.

STAFF RECOMMENDATION

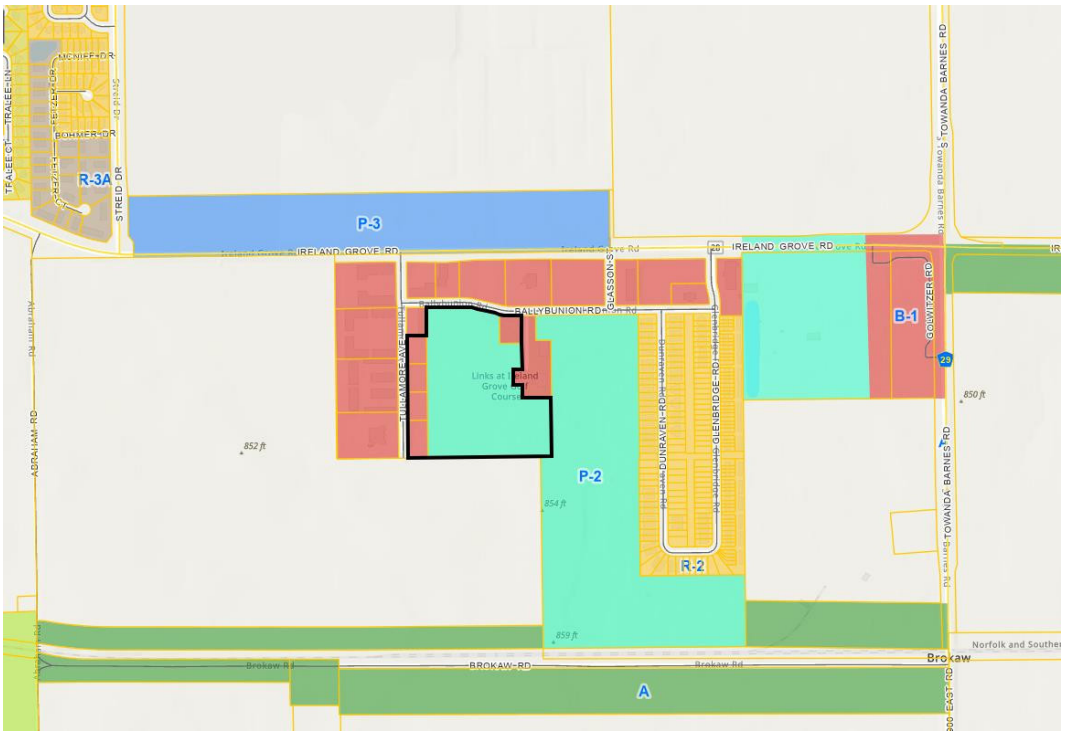
Staff finds that the request for approval of the Preliminary Plan conforms with the standards and purpose of the Subdivision Code and recommends that the Planning Commission take the following actions:

> Motion to establish findings of fact that the proposed Preliminary Plan for the Residences at The Links Subdivision ***conforms with the standards and purpose of the Subdivision Code*** and recommend ***approval*** of the petition to City Council with the following condition: that a traffic impact study be provided within 30 days.

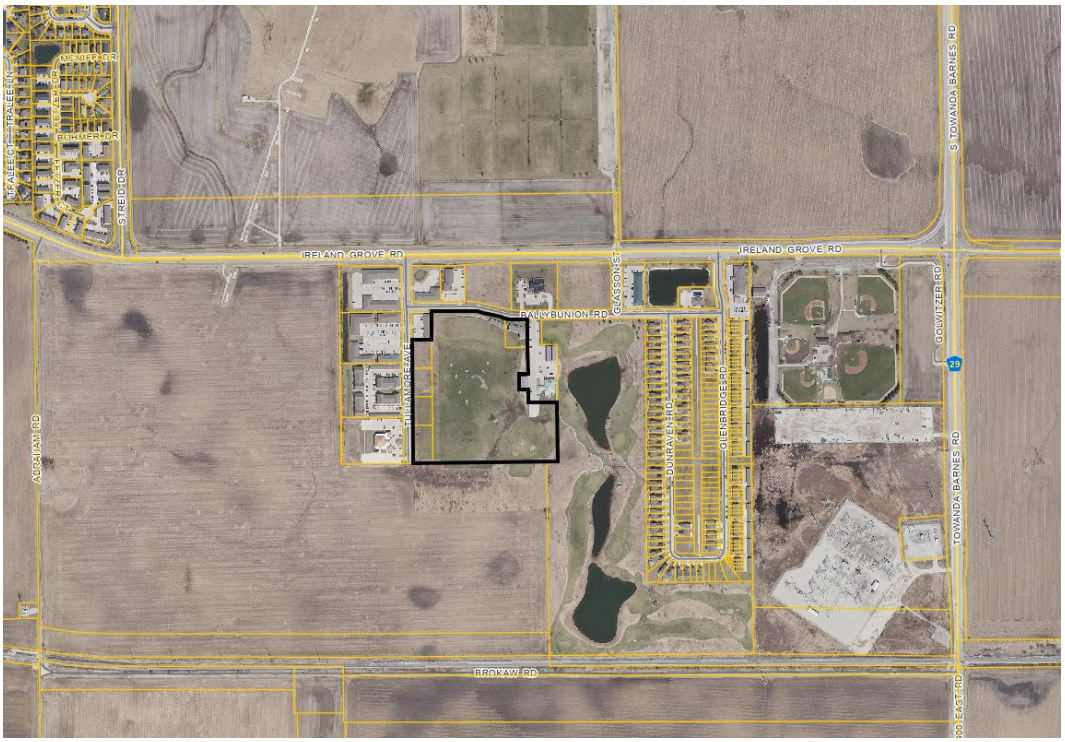
Respectfully submitted,
Glen Wetterow
City Planner

Attachments:
1. Zoning Map
2. Aerial Map
3. Ground-Level View(s)
4. Preliminary Plan for The Residences at the Links
5. Neighborhood Notice Map

Attachment 1 – Zoning Map

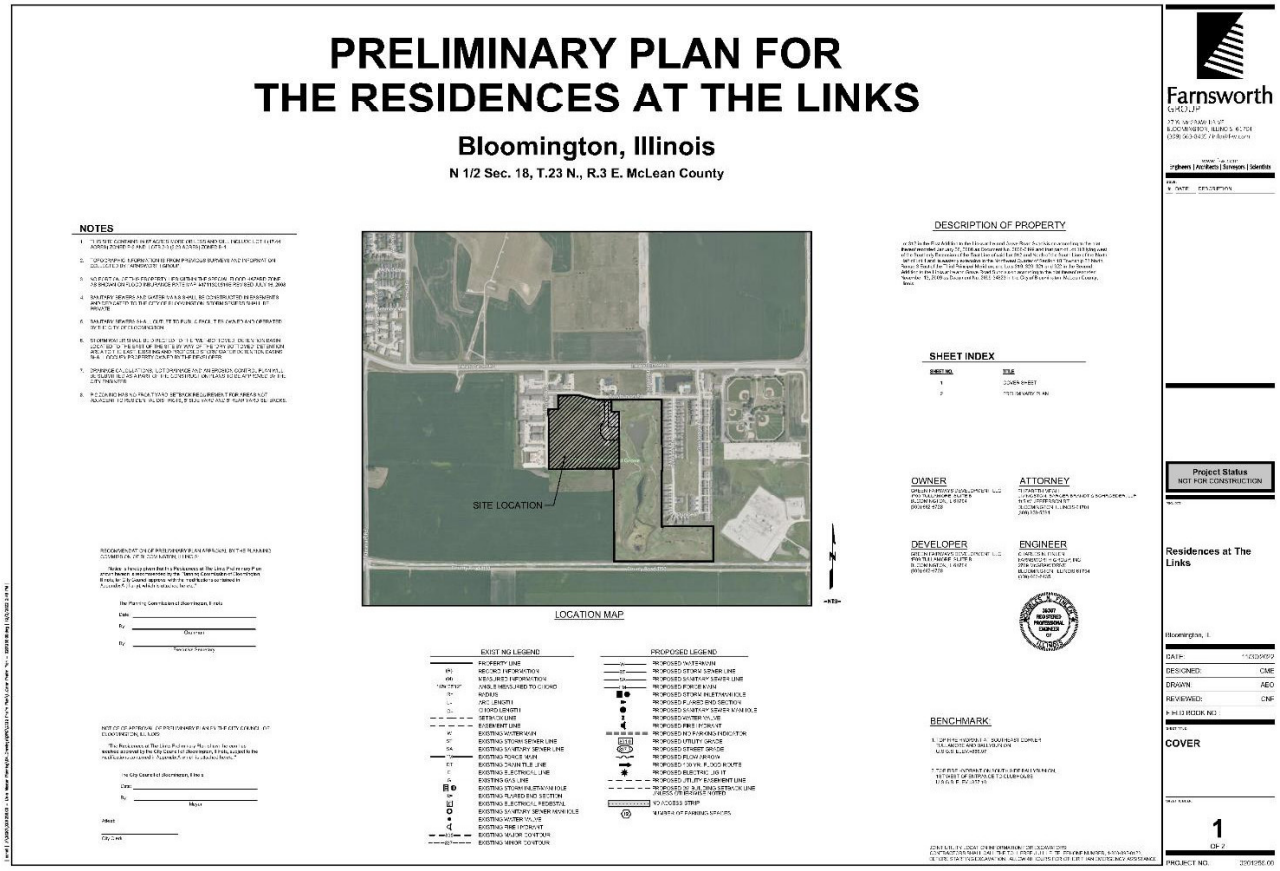


Attachment 2 – Aerial Map



Attachment 3 – Ground Level View(s)

Attachment 4 – Preliminary Plan for The Residences at the Links



PRELIMINARY PLAN FOR THE RESIDENCES AT THE LINKS

Bloomington, Illinois

N 1/2 Sec. 18, T.23 N., R.3 E. McLean County

NOTES

SITE LOCATION

LOCATION MAP

DESCRIPTION OF PROPERTY

SHEET INDEX

OWNER

ATTORNEY

DEVELOPER

ENGINEER

BENCHMARK

EXISTING LEGEND

PROPOSED LEGEND

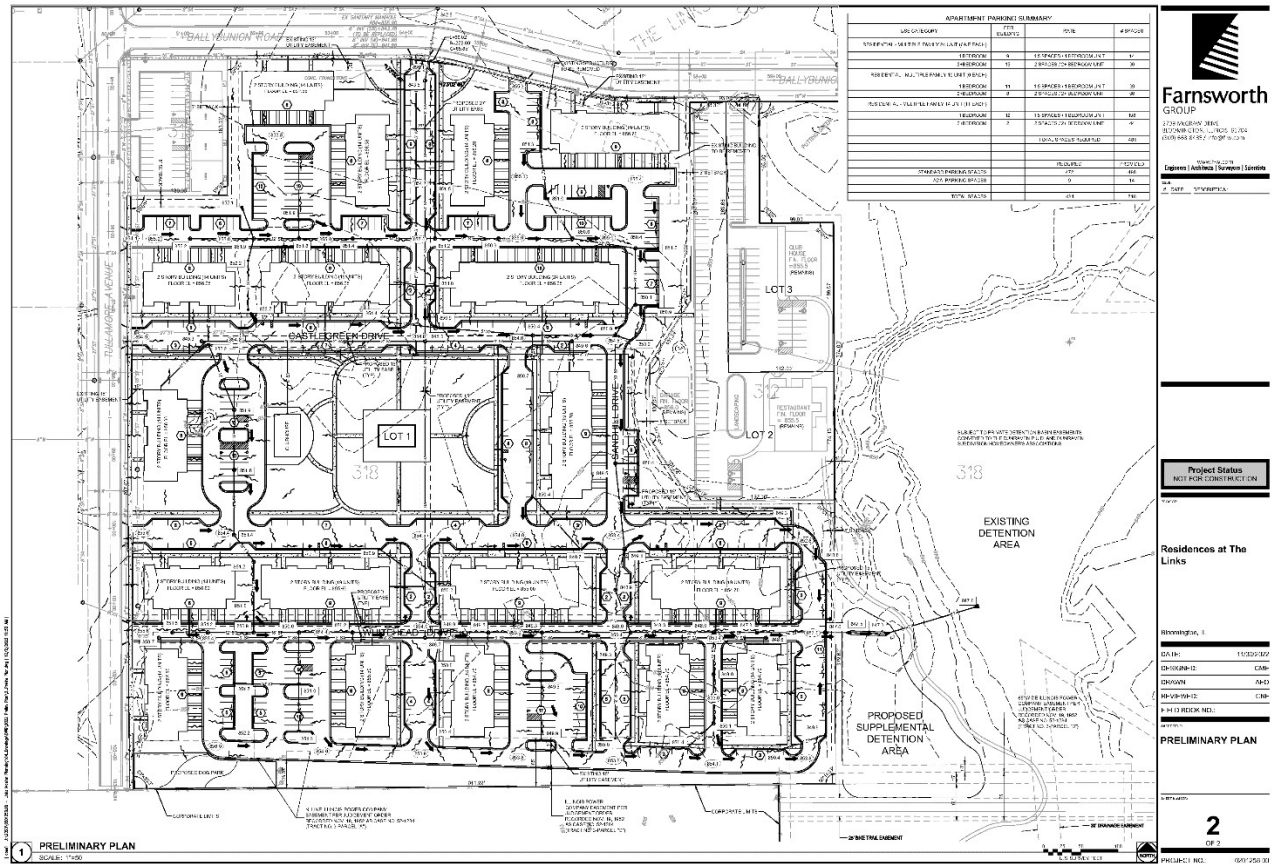
Farnsworth Group

Project Status
NOT FOR CONSTRUCTION

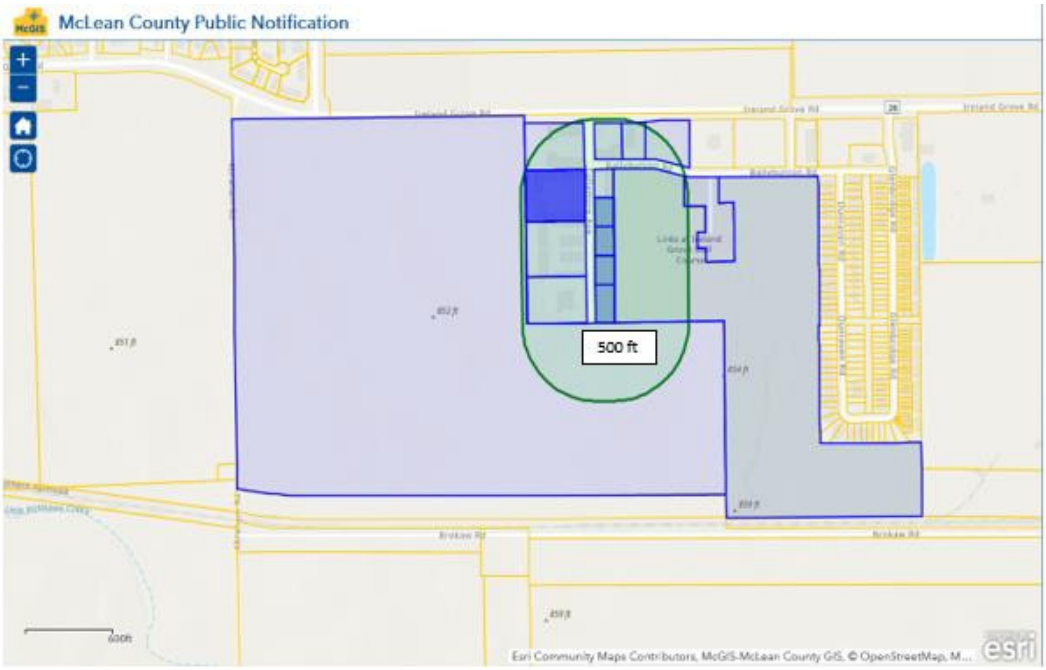
Residences at The Links

COVER

1



Attachment 5 – Neighborhood Notice Maps



McLean County Public Notification
500 ft
Esri Community Maps Contributors, McGIS-McLean County GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin,
esri

PLANNING COMMISSION

TO: Planning Commission

FROM: Economic & Community Development Department

DATE: December 7, 2022

CASE NO: Z-16-22, Zoning Map Amendment

REQUEST: Public hearing, review and action on a petition submitted by OSF Healthcare System, requesting approval of a Zoning Map Amendment for the property located at 3 Moore Road, from R-1A (Single-Family Residence) District to P-2 (Public Lands and Institutions) District. PIN(s): 21-10-232-025.

BACKGROUND

Request
The Petitioner seeks a Zoning Map Amendment for part of the subject property, from R-1A (Single-Family Residence) District to P-2 (Public Lands and Institutions) District, to allow the utilization of the existing home as a convent. The property is currently owned by Land Trust MJW and is being acquired by OSF Healthcare System. The current use of the property is a Single-Family Dwelling, the proposed use is a Convent is not permitted in R-1A. The petitioner intends to make minor modifications to the existing structure on the property.

Property Characteristics
The subject property consists of 1.94 acres of land located at 3 Moore Road a private street. The property is located at the Southeast corner of Moore Street and Cloud Street. Currently located on the property is Single-Family Dwelling and accessory structure. The subject property is surrounded by Single-Family Residential zoning and Single-Family Dwellings.

Notice
The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 21, 2022. Courtesy notices were mailed to 35 property owners within 500 feet of the subject property.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-1A (Single-Family Residence)	Single-Family Dwelling
South	R-1A (Single-Family Residence)	Single-Family Dwelling
East	R-1A (Single-Family Residence)	Single-Family Dwelling
West	R-1A (Single-Family Residence)	Single-Family Dwelling

ANALYSIS

*Comparison of Existing and Proposed Districts**

Existing Zoning: R-1A (Single-Family Residence) District

The R-1A Residence District is intended to provide for the establishment of areas characterized by large lot single-family dwelling units for occupancy by families, and related recreational, religious, and cultural facilities that serve the immediately surrounding residents, as well as those living in the district. The R-1A district provides for approximately two dwelling units per acre.

Proposed Zoning: P-2 (Public Lands and Institutions) District

The intent of this P-2 Public Lands and Institutions District is to allow for the establishment and maintenance of public uses, publicly-regulated uses and private uses that display an inherent relationship to the public interest. The creation of such a district shall be provided for parcels of substantial size where such community serving uses are necessary in order that adequate community services may be rendered and where, through proper site selection and planning, such uses are compatible with the surrounding area.

*A list of permitted uses for commercial and public interest districts can be found online in Chapter 44, Divisions 4-1 and 7-1, respectively.

Compliance with the Comprehensive Plan

The proposed Zoning Map Amendment contributes to Goals N-1. (Ensure compact development of the City through denser, mixed-use developments and reinvestment in the established older neighborhoods), N-1.4 (Identify opportunities to gradually transition the low-density residential developments in the Stable Areas into mixed use, walkable neighborhoods that appeal to all residents), H-1. (Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington), and H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits).

The 2035 Comprehensive Plan's Future Land Use map identifies this property as Low Density Residential in the built areas. The Land Use Priorities map does not identify this property.

STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

Request for Zoning Map Amendment for R-1A to P-2

1. **The suitability of the subject property for uses authorized by the existing zoning.**

   Uses permitted within the R-1A (Single-Family Residence) District are primarily residentially oriented. Single-Family Dwellings are the primary use permitted in this district, and services required to meet the recreational, religious, and cultural needs of the nearby residents are permitted selectively. R-1A is the least intense residential zoning district within the City, permitting a residential density of only two dwelling units per acre; the original Plats for this

area align with the current district intent, indicating parcels of approximately an acre each, with occasional subdivides to half-acre lots. Under the existing R-1A zoning, this property could be developed into up to four Single-Family Dwellings, restricted to occupancy by the definition of "Family"; this use would be consistent with the existing development character of the area. The R-1A zoning district does permit limited group living and civic uses, all of them either size restricted or requiring a Special Use Permit.

2. **The length of time the property has remained vacant as zoned considered in the context of land development in the area.**

   The property has been unoccupied since July 1, 2022, while the owners worked on improvements to the existing single-family dwelling. The property was listed for sale in September and remains unsold and unoccupied.

3. **The suitability of the subject property for uses authorized by the proposed zoning.**

   Uses permitted within the P-2 (Public Lands and Institutions) District are primarily public in their nature, intended to provide adequate community services where needed and compatible with the surrounding area. Under the proposed P-2 zoning, this property could be developed to a Floor-Area-Ratio (FAR) of 1.0—which is akin to a two-story building on 50% of the property—with occupancy for any Group Living Uses restricted to 105 residents, based on the size of the lot. Public Works has indicated that the existing potable water, sanitary sewer, and transportation facilities are likely sufficient to support most P-2 uses. Based on lot size, stormwater detention for any redevelopment could likely be accommodated on-site. The P-2 District is designed to be complementary and supportive of residential uses, and so is designed to be permittable directly adjacent to such zoning. Other P-2 zoned properties within a quarter mile of the subject property include a public park, a grade school, and church.

4. **The existing land uses and zoning of nearby property.**

   The subject property has been utilized as a Single-Family Dwelling. The nearby properties are zoned single-family residential utilized and utilized as Single-Family Dwellings.

5. **Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.**

   If the Zoning Map Amendment is granted, the applicant would be able to utilize the recently vacant home as a Convent to provide housing for the Franciscan Sisters of the Martyr St. George. Additionally, the Zoning Map Amendment would allow OSF to make use of a location that is preferable to them based on proximity to the hospital, and nature and condition of the property. Under P-2 zoning some permitted uses may not be suitable for this specific location, based upon their potential intensity. While the likelihood of those uses being located on this specific property is low due to the restrictive access to the property, the potential negative impacts of those uses must be considered. If the proposed the Zoning Map Amendment is denied the home would continue to serve as a single-family dwelling which fulfills the need for quality housing identified in the EDC's Bloomington-Normal Housing Analysis.

6. **The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

The sites have access to Moore Road (private), Cloud Street and Moore Street. Cloud Street and Moore Street are local roads sufficient to support uses in the current or proposed district.

7. **The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.**

   § 44-106G applies if more than 1,400 sq. ft. of impervious surface is created or altered. Based on lot size, stormwater detention for any redevelopment could likely be accommodated on-site.

8. **The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

   The site is currently served by existing watermains and sewer connections, as well as fire and police protection. The property is served by District 87 school district. Public Works has indicated that the existing potable water, sanitary sewer, and transportation facilities are likely sufficient to support most P-2 uses.

9. **The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein.**

   The Zoning Map Amendment would facilitate the use of the property as a Convent to house the Franciscan Sisters of the Martyr St. George. Given the limited number of individuals proposed to occupy the location and the intend minor modifications to the existing structure, the use and structure would continue to function similar to a Single-Family Dwelling. The location allows the sisters to expediently reach OSF Saint Joseph's Hospital, a public hospital, to provide their services to the public.

10. **The extent to which property values are diminished by the particular zoning restriction.**

    The currently proposed use—a Convent—may be low impact, and even complimentary to the existing adjacent property values. There are several uses permitted with P-2 zoning that would not be suitable for this specific location, but the prospect of those uses being located on this specific property is likely low due to the access issues and the nature of the neighborhood. The impact on property values is directly related to which P-2 use of the property is active.

11. **The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public.**

    The change to P-2 does not necessitate the destruction of property values. Many of the P-2 uses are those which are specifically designed to promote health, safety, morals and general welfare of the public. Future implementation of permitted uses within the district will determine the extent to which this factor weighs in favor, or against, the proposed Zoning Map Amendment.

12. **Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it.**

    The Comprehensive Plan's Future Land Use map identifies this property as Low Density Residential in the built areas. The Land Use Priorities map does not identify this property.

13. **Whether the City needs the proposed use.**

    The proposed Map Amendment would allow utilization of the property as a Convent to support a community hospital which serves the City as a whole.

The Petitioner believes the structure will continue to function similar to a single-family dwelling in terms of its impact to surrounding properties.

STAFF RECOMMENDATION

Staff finds that the request for a Zoning Map Amendment ***is in the public interest and not solely for the benefit of the applicant***, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

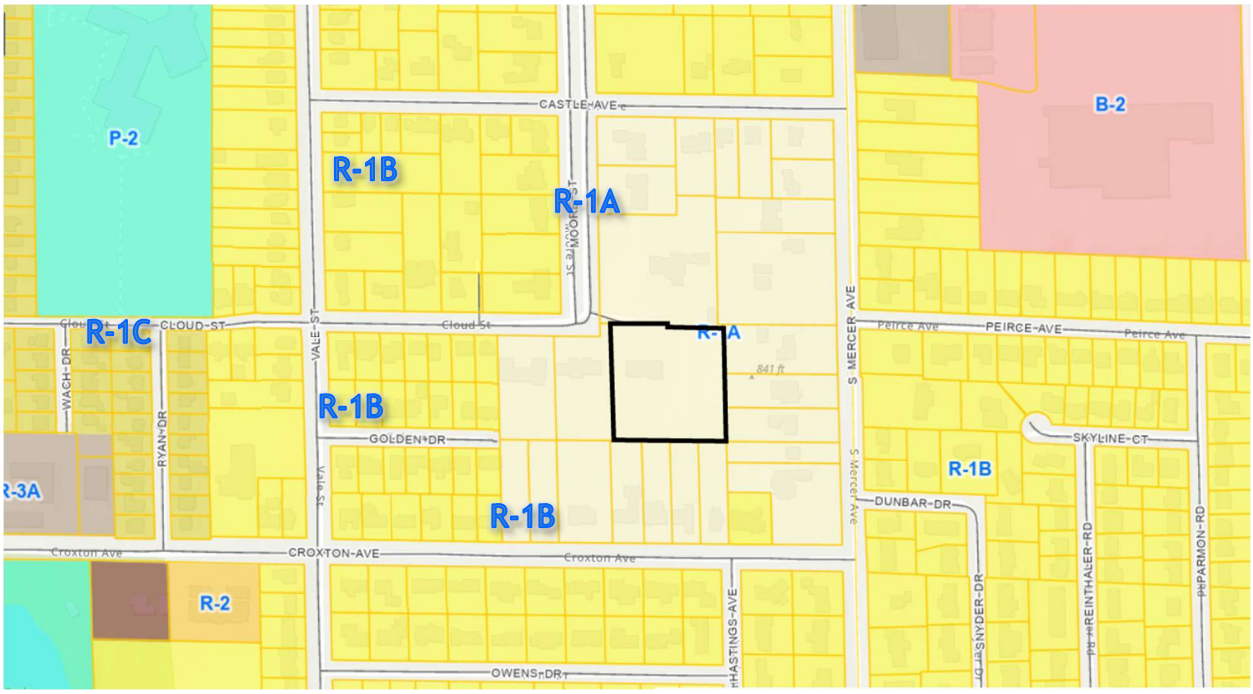
Motion to establish findings of fact that the proposed Zoning Map Amendment ***is in the public interest and not solely for the benefit of the petitioner*** and recommend ***approval*** of the petition.

Respectfully submitted,
Glen Wetterow
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Petitioner-Submission – Description of Project
5. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image

Attachment 3 - Ground-Level View(s)

Attachment 4 – Petitioner-Submission – Description of Project

OSF Healthcare System is in the process of acquiring the property located at 3 Moore Road, Bloomington, IL 61701. The intended use for this property will be to provide housing for the Franciscan Sisters of the Martyr St. George, serving both the community and OSF Healthcare St. Joseph Medical Center in Bloomington. OSF Healthcare System, in collaboration with the current owners, are requesting a zoning change to the 3 Moore Road property (Parcel ID – 2110232025). The parcel is currently zoned as R-1A and per the definitions of use, will not permit the property to be used for a convent. The request is that parcel 2110232025 be rezoned as P-2 public interest, which permits the use of a convent. Per discussion with the City of Bloomington's Planning and Economic Development Department, it was noted that there are other parcels near the 3 Moore Road property that have been zoned as P-2 public interest parcels. The P-2 zoning would permit the use of a convent at this location. Other parcels that are currently zoned P-2 are as follows: Parcel ID – 2110426048 (704 N Main Street) – Holy Trinity Church, Parcel ID – 2110205019 (300 E Monroe) – Oakland elementary School, and Parcel ID – 2110251001 (109 E Olive Street) City of Bloomington, Holiday Park.

Current owners have been renting the house while making improvements to the property. The original plan was to renovate the house as the next phase and then move in as their primary residency. Property isnow unoccupied and listed for resale.

Response to each Standard for Review

- R-1A Single-Family Residence District. The R-1A Residence District is intended to provide for the establishment of areas characterized by large lot single-family dwelling units for occupancy by families, and related recreational, religious, and cultural facilities that serve the immediately surrounding residents, as well as those living in the district. The R-1A district provides for approximately two dwelling units per acre. Definition of FAMILY One or more persons, each related to the other by blood, adoption, or marriage, living in a dwelling unit. One or more persons each related to the other by blood, adoption, or marriage and not more than two other persons not related by blood, adoption or marriage living in a dwelling unit shall also be deemed to constitute a family. Any child living in a "Foster Family Home" as that term is defined herein shall also be deemed to be part of a family. However, in no case shall more than two persons not related by blood, adoption or marriage occupy any efficiency unit or a one bedroom dwelling unit as defined herein. Three or more unrelated parolees living in one dwelling unit shall not be considered to be a "family" for purposes of the Zoning Code unless all

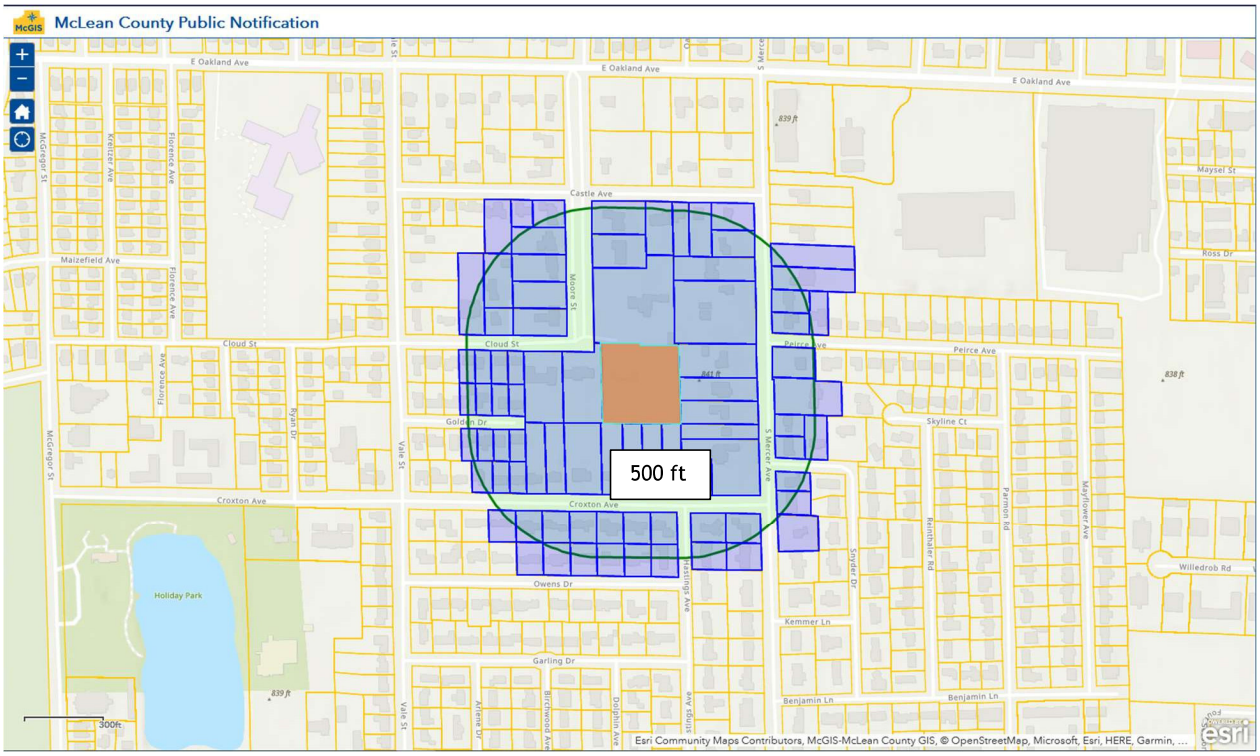
such parolees are actually related by blood, adoption, or marriage. "Parolees" shall have the definition set forth in Chapter 26, § 26-201, of the Bloomington City Code.

- This property is zoned R-1A and recently vacated on July 1, 2022. There is no knowledge of the property being considered in the context of land development.
- P-2 - Public Lands and Institutions District. The intent of this P- 2 Public Lands and Institutions District is to allow for the establishment and maintenance of public uses, publicly regulated uses and private uses that display an inherent relationship to the public interest. The creation of such a district shall be provided for parcels of substantial size where such community serving uses are necessary in order that adequate community services may be rendered and where, through proper site selection and planning, such uses are compatible with the surrounding area. The use of a convent is permitted under the P-2 zoning. This will allow the housing of more than 3 persons not related as defined in the zoning definition of Family.
- The use of this property will be to provide housing for the Franciscan Sisters of the Martyr St. George, serving both the community and OSF Healthcare St. Joseph Medical Center in Bloomington. Per the current R-1A zoning definitions, a Family cannot consist of more than 3 persons not related by blood, adoption, or marriage living in a single-family dwelling. A convent is not a permitted use under R-1A but is permitted under P-2 zoning. The use in the convent will align with the sister mission and visions to serve the communities in which they reside. Other parcels nearby that are currently zoned P-2 are as follows: Parcel ID – 2110426048 (704 N Main Street) – Holy Trinity Church, Parcel ID – 2110205019 (300 E Monroe) Oakland elementary School, and Parcel ID – 2110251001 (109 E Olive Street) – City of Bloomington, Holiday Park.
- We believe the free exercise of religion and the establishment of religious institutions enhance the public welfare, including the general health, safety, morals and welfare of the community. As a recognized religious congregation, the sisters live together in prayer and community and in this particular case work within OSF, a non-profit healthcare ministry serving the broader Bloomington area. As these sisters live in many convents around the country, often in similar neighborhoods as the one requested, they engage as good neighbors, respectful of property and all city ordinances as any other family in the neighborhood would comply. Close proximity to the sister's work within OSF is a relative gain with the hardship of denial being the requirement to find appropriate housing at a less convenient location. The sisters plan to begin working in OSF in the Bloomington area in August 2023. Housing has been difficult and expensive to find within the timeframe.
- The connecting streets and arterial street system adequately serve the proposed zoning classification to permit a convent. Traffic volumes for the use of a convent will be no more than a large single-family dwelling.
- Parcel 2110232025 is approximately 2 acres with current structures equaling 3,345sqft. The only additional plans would be the addition of a small room to be used for prayer and liturgy. This plan will disturb less than 1,400 sqft and will not impact the storm water retention plan that is currently in place. Proper drainage to Moore Road and other directions will remain as is.
- Current services will remain adequate for the proposed zoning classification.
- There are several other properties within the immediate areas that are zoned P-2 and protective services, utilities, and schools have properly allocated to meet those needs. This use for this proposed zoning classification will be to provide housing to a quantity of persons similar to large single-family dwellings.
- The intent of the R 1A zoning is for "large lot single-family dwelling units for occupancy by families, and related recreational, religious, and cultural facilities that serve the immediately surrounding resident" This proposed amendment is consistent with the intent to have occupancy that serves the immediate surrounding residents. The Sisters work for OSF Healthcare, a non-profit health system caring for local community needs for over 140

years. The sisters close proximity to their area of service supports their charitable work for the promotion of well-being in the surrounding community.

- If zoned P-2, this property will serve as a convent for up to 6 persons in the existing single-family structure - the look, feel, and property values will remain consistent with the single-family dwellings currently in the surrounding area. The upgrade finishes to the property will not diminish but improve property values.
- If zoned P-2, this property will serve as a convent for up to 6 persons in the existing single-family structure - the look, feel, and property values will remain consistent with the single-family dwellings currently in the surrounding area. The upgrade finishes to the property will not diminish but improve property values.
- Current plans would be to renovate the house for occupancy of 6 persons with a small addition of a room to be used for prayer and liturgy by the sisters. The proposed zoning request is in harmony of serving the residents (sisters) without disruption or disturbance to their neighbors.
- The benefit to the City is to have sisters who support the governance of OSF Healthcare in close proximity to their work. This allows for better oversight of the sister's mission and the ability to serve the local community.

Attachment 5 - Neighborhood Notice Map



PLANNING COMMISSION

TO:	Planning Commission
FROM:	Economic & Community Development Department
DATE:	December 7, 2022
CASE NO:	PS-06-22, Preliminary Plan for HDI Subdivision
REQUEST:	Public hearing, review and action on a petition submitted by TKnTK, LLC, requesting approval of a Preliminary Plan for HDI Subdivision for the properties generally located near the intersection of E. Hamilton Road and Bunn Street. PIN(s): 21-15-152-010, 21-15-151-018, 21-15-102-005, 21-15-102-006 and 21-15-151-020.

BACKGROUND

Request
The Petitioner seeks approval of a Preliminary Plan for the properties generally located near the intersection of E. Hamilton Road and Bunn Street. The Petitioner seeks to develop a portion of this subdivision into a Solid Waste Disposal Facility. The property is currently located within the County and will not be annexed into the City of Bloomington, but the City has extraterritorial jurisdiction giving it purview for review and approval. The Petitioner will be reconfiguring the properties via final platting to ensure the location of the Solid Waste Disposal Facility complies with distance requirements for State permitting purposes. The petitioner has requested a waiver to allow for the construction of the street without sidewalks.

Property Characteristics
The subject properties, 5 lots, contain approximately 40.92 acres of land which is currently developed and utilized as a recycling facility and asphaltic concrete plant. The Preliminary Plan indicates the creation of six lots (1-6) and one outlot (A). Access to the property will be available from Bunn Street and E. Hamilton Road. The surrounding properties are agriculturally (county), residentially, and commercially zoned. The properties to the south and east are located within the County.

Notice
The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 21, 2022. Courtesy notices were mailed to 26 property owners within 500 feet of the subject property.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	B-1 (General Commercial)	Sports & Fitness Establishment, Artisanal/Craft Production and Retail, Vehicle Sales & Service, Retail Sales, General
South	M-2 (General Manufacturing, County) & A (Agricultural, County)	Solid Waste Disposal Facility, Farmland (Vacant) & Single-Family Dwellings
East	M-2 (General Manufacturing, County)	Vacant Land
West	R-4 (Manufactured Home Park)	Manufactured Homes

ANALYSIS

Compliance with the Comprehensive Plan
The proposed Preliminary Plan contributes to Goals ED-1.1 (Focus on retention and expansion of existing businesses), ED-1.2 (Leverage community assets in attracting business), and ED-4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City) of the 2035 Comprehensive Plan.

The 2035 Comprehensive Plan's Future Land Use map identifies this area along Bunn Street and E. Hamilton Road as an employment center in the emerging areas. The Land Use Priorities map identifies portions this area as Tier-2 priority which is land immediately adjacent to the City's incorporated area, and with access to all City services.

STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Preliminary Plan and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Preliminary Plan conforms with the standards and purpose of the Subdivision Code as listed in § 24-203A-L and discussed below.

Request for Second Amended Preliminary Plan for Interstate Business Park

1. **To protect, provide and promote the public health, safety and general welfare of the City.**

   The proposed subdivision has access to City utilities (water and sewer) for proper sanitation. A sanitary sewer agreement will be created between the City and the Petitioner, providing access to City sanitary sewer services. As part of this agreement the City will require the Petitioner to comply with City standards related to use provisions, landscaping, screening and other items to ensure the health, safety and general welfare of the surrounding property owners. Lot characteristics proposed by the subject Preliminary Plan are in compliance with the requirements of the M-2 (General Manufacturing) District and supportive of the prescribed site design and development intensities for this District.

2. **To guide the future growth and development of the City, in accordance with the Comprehensive Plan.**

   The Comprehensive Plan identifies this area along Bunn Street and E. Hamilton Road as an employment center in the emerging areas. The Land Use Priorities map identifies portions this area as Tier-2 priority which is land immediately adjacent to the City's incorporated area, and with access to all City services.

3. **To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.**

   The proposed subdivision will provide adequate separation between buildings, promoting light and air circulation. The configuration of the lots meets City requirements and will ensure overcrowding does not occur. The infrastructure indicated ensures efficient flow of traffic through the area. The proposed infrastructure has been reviewed and approved by the City's Public Works Department. Given the proposed development of the properties this area is not intended for pedestrian use. There would be concern for safety and security of pedestrians with the frequency and nature of vehicle traffic.

4. **To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the community.**

   The lots indicated on the Preliminary Plan are currently zoned M-2 (General Manufacturing) within the County; they are adjacent to either commercial, residential, agricultural (County) or manufacturing zoned properties. The properties to the north and west have already been final platted and developed according to City B-1 and R-4 zoning standards. The properties to the south are within the County. Some have been final platted and developed as a Solid Waste Disposal Facility and Single-Family Dwellings, while the other properties have not been platted and are undeveloped farmland. The properties to the east are final platted and developed according to the M-2 County zoning standards. The uses permitted within the M-2 zoning will be in character with the existing uses surrounding the properties. This area is still undeveloped and is a mixture of City and County properties. This Preliminary Plan serves to identify only a piece of the overall development in the area which is to remain in the County.

5. **To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.**

   The proposed subdivision and zoning are compatible with adjacent zoning and uses.

6. **To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.**

   The properties have access to City services (water, sewer and streets). The Land Use Priorities map identifies portions of this property as a Tier 2 priority (land immediately adjacent to the City's incorporated area, and with access to all City services).

7. **To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of**

congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building setback lines.

The lots proposed will have frontage off either Bunn Street or E. Hamilton Road. A new private street, constructed to city standards, is being proposed to run through the subdivision to provide additional access to the properties. The private street will have access via Bunn St. The location has been approved by Public Works. A waiver for providing no sidewalks as required per code has been requested. City Staff is not supportive of this request but is supportive of reducing the requirement from both sides of the street to one side of the street. There would be concern for safety and security of pedestrians with the frequency and nature of vehicle traffic. Staff recommendation will reflect this.

8. **To establish reasonable standards of design and procedures for subdivision codes and resubdivisions, in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.**

   The Bloomington Subdivision Ordinance and Zoning Code ensure standards for design, subdivision and final platting; the proposed Preliminary Plan follows the required procedures and meets the standards identified within. The Petitioner has requested a waiver for sidewalks to not be **installed**. City Staff is supportive of a waiver permitting sidewalks on only one side of the street but not complete removal of sidewalks. Preliminary Plan will need to be changed to reflect staffs' recommendation, if approved.

9. **To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision code and areas reasonably anticipated to be served by such facilities.**

   The lots can be served by existing City police and fire services. The lots are served by Unit 5 School District. The Tier 2 Priority classification considers access to existing public infrastructure and services.

10. **To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land.**

    The County Land Use and Transportation Committee will hold a public hearing to review and approve the Host Agreement and review of siting criteria which stipulates the terms and conditions of the Host Agreement established with Henson Disposal and McLean County. The agreement covers, in detail, the operational aspects of the transfer facility and various control measures that the facility will be required to meet. The Committee will ensure the host agreement complies with the 2017 Solid Waste Management Plan Update. The Host Agreement and associated public hearing will ensure necessary measures be put in place to prevent air, water, and land pollution. In addition to the Host Agreement, the Illinois EPA will be issuing a pollution control facility permit. This permit also requires necessary measures be put in place to prevent air, water, and land pollution and requires natural resources be protected.

11. **To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features.**

The property has already been modified from its natural states through use as a industrial facility and by neighboring commercial agriculture. Old growth and significant topography do not exist to protect.

12. **To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the City's zoning ordinance.**

    The applicant has selected to subdivide and combine the property to ensure development occurs in a manner that meets the design and density requirements of the City's Zoning Code, except the requested waiver, thus ensuring the most efficient layout of the lot and future structures.

STAFF RECOMMENDATION

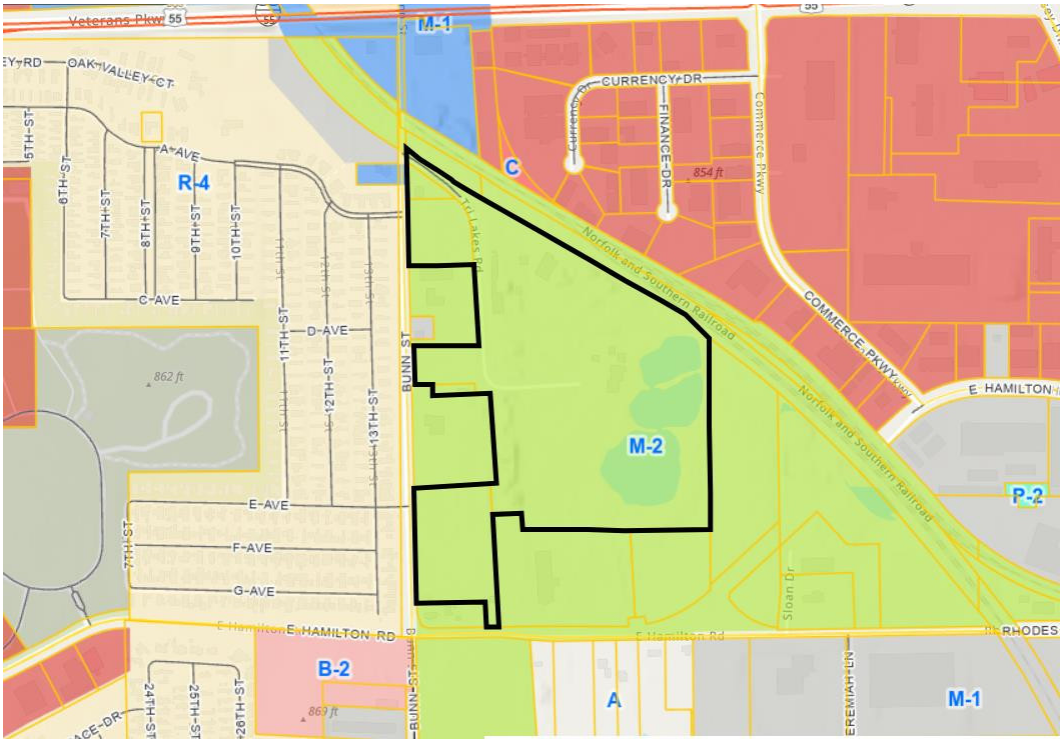
Staff finds that the request for approval of the Preliminary Plan conforms with the standards and purpose of the Subdivision Code and recommends that the Planning Commission take the following actions:

> Motion to establish findings of fact that the proposed Preliminary Plan for the HDI Subdivision ***conforms with the standards and purpose of the Subdivision Code*** and recommend ***approval*** of the petition to City Council with the following waiver: to allow installation of a sidewalk on only one side of the street.

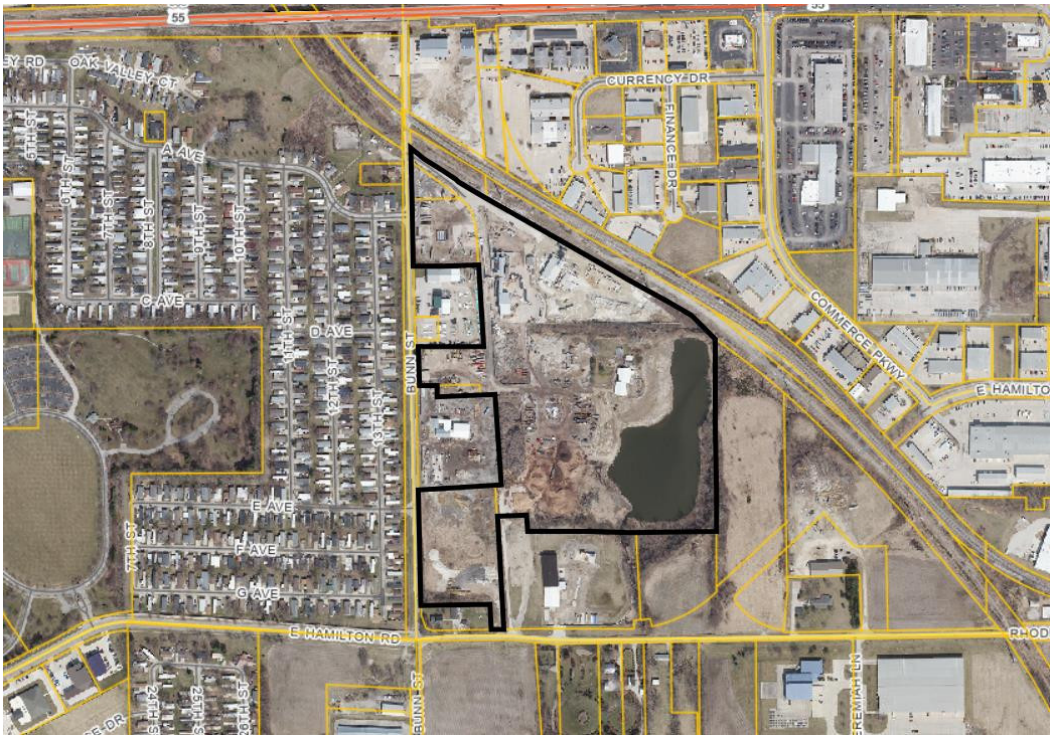
Respectfully submitted,
Glen Wetterow
City Planner

Attachments:
1. Zoning Map
2. Aerial Map
3. Ground-Level View(s)
4. Preliminary Plan for HDI Subdivision
5. Neighborhood Notice Map

Attachment 1 – Zoning Map

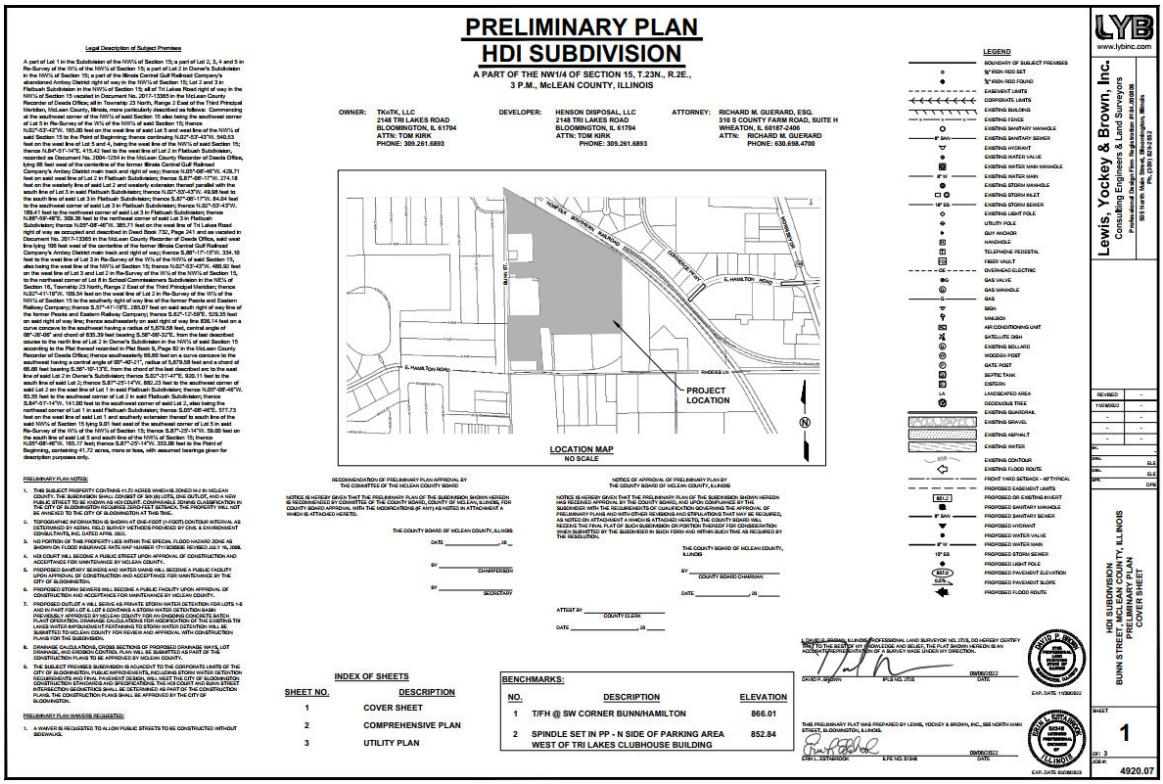


Attachment 2 – Aerial Map



Attachment 3 – Ground Level Views

Attachment 4 – Preliminary Plan for HDI



PRELIMINARY PLAN
HDI SUBDIVISION
A PART OF THE NW1/4 OF SECTION 15, T.23N., R.2E., 3 P.M., McLEAN COUNTY, ILLINOIS

Legal Description of Subject Premises

A part of Lot 1 in the Subdivision of the NW¼ of Section 15; a part of Lot 2, 3, 4 and 5 in Re-Survey of the W½ of the NW¼ of Section 15; a part of Lot 2 in Owner's Subdivision in the NW¼ of Section 15; a part of the Illinois Central Gulf Railroad Company's abandoned Amboy District right of way in the NW¼ of Section 15; Lot 2 and 3 in Flatbush Subdivision in the NW¼ of Section 15; all of Tri Lakes Road right of way in the NW¼ of Section 15 vacated in Document No. 2017-13085 in the McLean County Recorder of Deeds Office; all in Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southwest corner of the NW¼ of said Section 15 also being the southwest corner of Lot 5 in Re-Survey of the W½ of the NW¼ of said Section 15; thence N.82°-53'-43"W. 185.85 feet on the south line of said Lot 5 and west line of the NW¼ of said Section 15 to the Point of Beginning; thence continuing N.82°-53'-43"W. 540.53 feet on the west line of Lot 5 and 4, being the west line of the NW¼ of said Section 15; thence N.84°-51'-14"E. 415.42 feet to the west line of Lot 2 in Flatbush Subdivision, recorded as Document No. 2004-1254 in the McLean County Recorder of Deeds Office, lying 66 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence N.05°-08'-46"W. 429.71 feet on said west line of Lot 2 in Flatbush Subdivision; thence S.87°-06'-17"W. 274.18 feet on the westerly line of said Lot 2 and westerly extension thereof parallel with the south line of Lot 3 in said Flatbush Subdivision; thence N.82°-53'-43"W. 49.98 feet to the south line of said Lot 3 in Flatbush Subdivision; thence S.87°-06'-17"W. 84.04 feet to the southwest corner of said Lot 3 in Flatbush Subdivision; thence N.82°-53'-43"W. 189.41 feet to the northwest corner of said Lot 3 in Flatbush Subdivision; thence N.88°-59'-48"E. 309.36 feet to the northeast corner of said Lot 3 in Flatbush Subdivision; thence N.05°-08'-46"W. 385.71 feet on the west line of Tri Lakes Road right of way as occupied and described in Deed Book 732, Page 241 and as vacated in Document No. 2017-13085 in the McLean County Recorder of Deeds Office, said west line lying 166 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence S.88°-17'-15"W. 334.10 feet to the west line of Lot 3 in Re-Survey of the W½ of the NW¼ of said Section 15, also being the west line of the NW¼ of Section 15; thence N.82°-53'-43"W. 480.92 feet on the west line of Lot 3 and Lot 2 in Re-Survey of the W½ of the NW¼ of Section 15, also being the west line of Lot 2 in said School Commissioner's Subdivision of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian; thence N.82°-41-19"W. 189.54 feet on the west line of Lot 2 in Re-Survey of the W½ of the NW¼ of Section 15 to the southerly right of way line of the former Peoria and Eastern Railway Company; thence S.57°-41'-19"E. 285.67 feet on said south right of way line of the former Peoria and Eastern Railway Company; thence S.82°-17'-59"E. 529.35 feet on said right of way line; thence southeasterly on said right of way line 836.14 feet on a curve concave to the southwest having a radius of 5,679.58 feet, central angle of 08°-26'-06" and chord of 835.39 feet bearing S.86°-06'-32"E. from the last described course to the north line of Lot 2 in Owner's Subdivision in the NW¼ of said Section 15 according to the Plat thereof recorded in Plat Book 9, Page 82 in the McLean County Recorder of Deeds Office; thence southeasterly 66.66 feet on a curve concave to the southwest having a central angle of 00°-40'-21", radius of 5,679.58 feet and a chord of 66.66 feet bearing S.89°-10'-13"E. from the chord of the last described arc to the east line of said Lot 2 in Owner's Subdivision; thence S.00°-31'-47"E. 920.11 feet to the south line of said Lot 2; thence S.87°-28'-14"W. 882.23 feet to the southwest corner of said Lot 2 on the east line of Lot 1 in said Flatbush Subdivision; thence N.05°-08'-46"W. 83.55 feet to the southeast corner of Lot 2 in said Flatbush Subdivision; thence S.84°-51'-14"W. 141.00 feet to the southwest corner of said Lot 2, also being the northeast corner of Lot 1 in said Flatbush Subdivision; thence S.05°-08'-46"E. 577.73 feet on the east line of said Lot 1 and southerly extension thereof to south line of the said NW¼ of Section 15 lying 9.81 feet east of the southeast corner of Lot 5 in said Re-Survey of the W½ of the NW¼ of Section 15; thence S.87°-28'-14"W. 59.00 feet on the south line of said Lot 5 and south line of the NW¼ of Section 15; thence N.05°-08'-46"W. 165.17 feet; thence S.87°-28'-14"W. 393.06 feet to the Point of Beginning, containing 41.72 acres, more or less, with assumed bearings given for description purposes only.

OWNER: TKnTK, LLC, 2148 TRI LAKES ROAD, BLOOMINGTON, IL 61704, ATTN: TOM KIRK, PHONE: 309.261.6893
DEVELOPER: HENSON DISPOSAL, LLC, 2148 TRI LAKES ROAD, BLOOMINGTON, IL 61704, ATTN: TOM KIRK, PHONE: 309.261.6893
ATTORNEY: RICHARD M. GUERARD, ESQ., 310 S COUNTY FARM ROAD, SUITE H, WHEATON, IL 60187-2406, ATTN: RICHARD M. GUERARD, PHONE: 630.695.4700

LOCATION MAP
NO SCALE

PROJECT LOCATION

LEGEND

PRELIMINARY PLAN NOTES:
1. THIS SUBJECT PROPERTY CONTAINS ±1.70 ACRES WHICH IS ZONED M-2 IN MCLEAN COUNTY. THE SUBDIVISION SHALL CONSIST OF SIX (6) LOTS, ONE OUTLOT, AND A NEW PUBLIC STREET TO BE KNOWN AS HDI COURT. COMPATIBLE ZONING CLASSIFICATION IN THE CITY OF BLOOMINGTON INCLUDING ZERO FEET SETBACK. THE PROPERTY WILL NOT BE ANNEXED TO THE CITY OF BLOOMINGTON AT THIS TIME.
2. TOPOGRAPHIC INFORMATION IS SHOWN AT ONE FOOT (1-FOOT) CONTOUR INTERVAL AS DETERMINED BY AERIAL FIELD SURVEY METHODS PROVIDED BY CHS & ENVIRONMENT CONSULTANTS, INC. DATED APRIL 2022.
3. NO PORTION OF THIS PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 17113C0335E. REVISED JULY 16, 2008.
4. HDI COURT WILL BECOME A PUBLIC STREET UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY MCLEAN COUNTY.
5. PROPOSED SANITARY SEWERS AND WATER MAINS WILL BECOME A PUBLIC FACILITY UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY THE CITY OF BLOOMINGTON.
6. PROPOSED STORM SEWERS WILL BECOME A PUBLIC FACILITY UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY MCLEAN COUNTY.
7. PROPOSED OUTLOT A WILL SERVE AS PRIVATE STORM WATER DETENTION FOR LOTS 1-5 AND IN PART FOR LOT 6. LOT 6 CONTAINS A STORM WATER DETENTION BASIN (DRY-BOTTOM) AND IN PART FOR OUTLOT A. PRIOR TO THE CONSTRUCTION, PLANT OPERATION, DRAINAGE CALCULATIONS FOR MODIFICATION OF THE EXISTING TRI LAKES WATER IMPOUNDMENT PERTAINING TO STORM WATER DETENTION WILL BE SUBMITTED TO MCLEAN COUNTY FOR REVIEW AND APPROVAL WITH CONSTRUCTION PLANS FOR THE SUBDIVISION.
8. DRAINAGE CALCULATIONS, CROSS SECTIONS OF PROPOSED DRAINAGE SWALES, LOT DRAINAGE, AND EROSION CONTROL PLAN WILL BE SUBMITTED AS PART OF THE CONSTRUCTION PLANS TO BE APPROVED BY MCLEAN COUNTY.
9. THE SUBJECT PREMISES SUBDIVISION IS ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF BLOOMINGTON. THE SUBDIVISION, WHEN DEVELOPED, SHALL MEET OR EXCEED THE REQUIREMENTS INCLUDING PAVEMENT DESIGN, AS SET FORTH BY CITY OF BLOOMINGTON CONSTRUCTION STANDARDS AND SPECIFICATIONS. THE HDI COURT AND BUNN STREET INTERSECTION GEOMETRICS SHALL BE DETERMINED AS PART OF THE CONSTRUCTION PLANS. THE CONSTRUCTION PLANS SHALL BE APPROVED BY THE CITY OF BLOOMINGTON.

PRELIMINARY PLAN WAIVERS REQUESTED:
1. A WAIVER IS REQUESTED TO ALLOW PUBLIC STREETS TO BE CONSTRUCTED WITHOUT SIDEWALKS.

RECOMMENDATION OF PRELIMINARY PLAN APPROVAL BY THE COMMITTEE OF THE MCLEAN COUNTY BOARD

NOTICE IS HEREBY GIVEN THAT THE PRELIMINARY PLAN OF THE SUBDIVISION SHOWN HEREON IS RECOMMENDED BY COMMITTEE OF THE COUNTY BOARD, COUNTY OF MCLEAN, ILLINOIS, FOR COUNTY BOARD APPROVAL WITH THE MODIFICATIONS (IF ANY) AS NOTED IN ATTACHMENT A WHICH IS ATTACHED HERETO.

THE COUNTY BOARD OF MCLEAN COUNTY, ILLINOIS
DATE _____, 20__
BY _____ CHAIRPERSON
BY _____ SECRETARY

NOTICE OF APPROVAL OF PRELIMINARY PLAN BY THE COUNTY BOARD OF MCLEAN COUNTY, ILLINOIS

NOTICE IS HEREBY GIVEN THAT THE PRELIMINARY PLAN OF THE SUBDIVISION SHOWN HEREON HAS RECEIVED APPROVAL BY THE COUNTY BOARD, AND UPON COMPLIANCE BY THE SUBDIVIDER WITH THE REQUIREMENTS OF ORDINANCE GOVERNING THE APPROVAL OF PRELIMINARY PLANS AND WITH OTHER REVISIONS AND STIPULATIONS THAT MAY BE REQUIRED, AS NOTED ON ATTACHMENT A WHICH IS ATTACHED HERETO, THE COUNTY BOARD WILL RECEIVE THE FINAL PLAT OF SUCH SUBDIVISION OR PORTION THEREOF FOR CONSIDERATION PROVIDED THAT THE SUBDIVIDER IN SUCH FORM AND WITHIN SUCH TIME AS REQUIRED BY THE REGULATION.

THE COUNTY BOARD OF MCLEAN COUNTY, ILLINOIS
BY _____ COUNTY BOARD CHAIRMAN
DATE _____, 20__
ATTEST BY _____ COUNTY CLERK
DATE _____, 20__

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	COMPREHENSIVE PLAN
3	UTILITY PLAN

BENCHMARKS:

NO.	DESCRIPTION	ELEVATION
1	T/FH @ SW CORNER BUNN/HAMILTON	866.01
2	SPINDLE SET IN PP - N SIDE OF PARKING AREA WEST OF TRI LAKES CLUBHOUSE BUILDING	852.84

I, DAVID R. BROWN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3715, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PLAT SHOWN HEREON IS AN ACCURATE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECTION.
DAVID R. BROWN — IPLS NO. 3715 — 09/06/2022 DATE — EXP. DATE: 11/30/2022

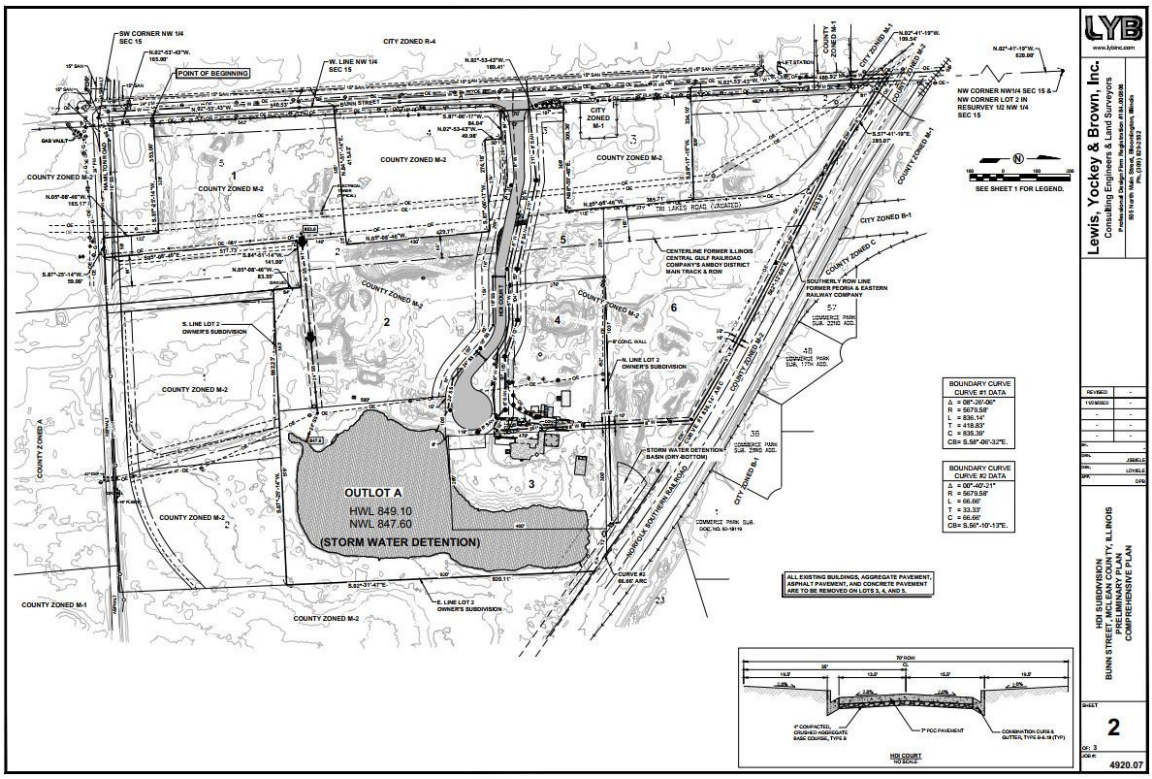
THIS PRELIMINARY PLAT WAS PREPARED BY LEWIS, YOCKEY & BROWN, INC., 505 NORTH MAIN STREET, BLOOMINGTON, ILLINOIS.
DAVID L. GUERARD — ILPE NO. 81948 — 09/06/2022 DATE — EXP. DATE: 02/28/2023

Lewis, Yockey & Brown, Inc.
Consulting Engineers & Land Surveyors
Professional Design Firm Registration #184-001656
505 North Main Street, Bloomington, Illinois
Ph. (309) 829-2393

REVISED
11/28/2022

HDI SUBDIVISION
BUNN STREET, MCLEAN COUNTY, ILLINOIS
COVER SHEET

SHEET 1
OF: 3
JOB #: 4920.07



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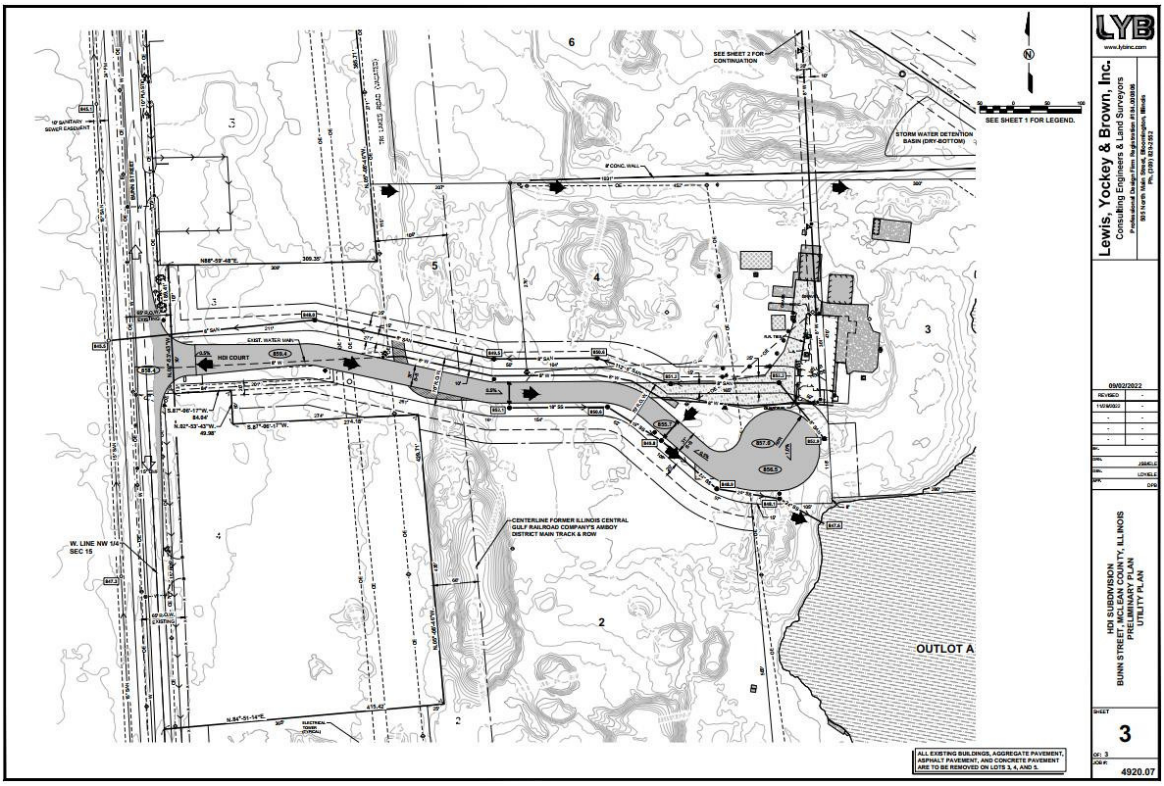
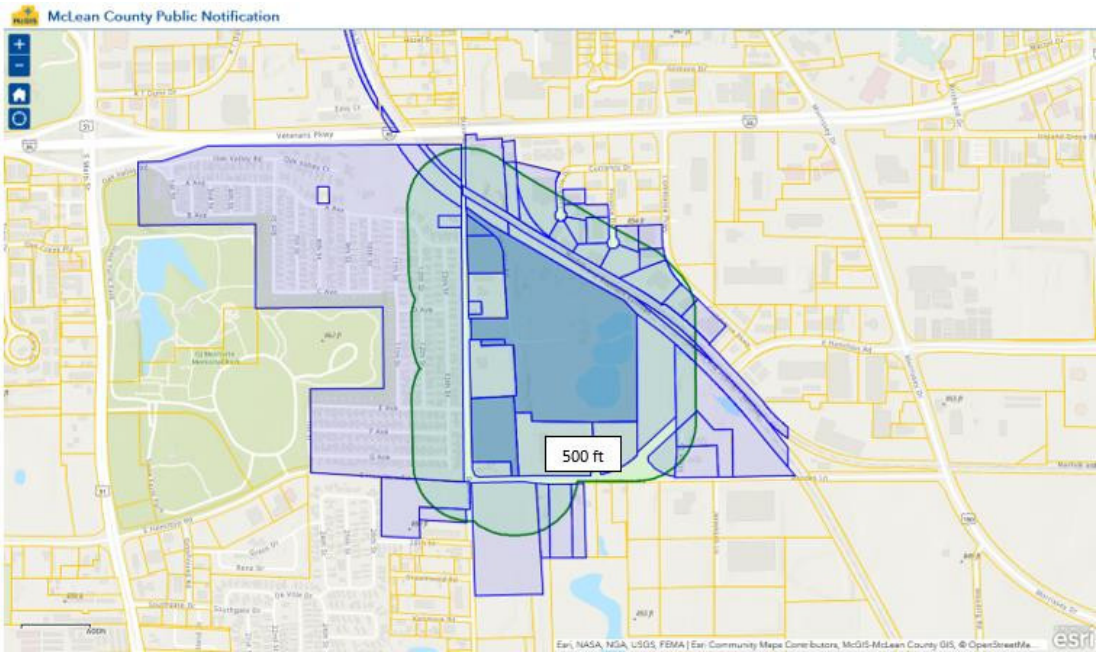
REVISED
11/28/2022

HDI SUBDIVISION
BUNN STREET, MCLEAN COUNTY, ILLINOIS
PRELIMINARY PLAN
COMPREHENSIVE PLAN

SHEET 2
OF: 3
JOB #: 4920.07



Attachment 5 – Neighborhood Notice Maps



PLANNING COMMISSION

TO:	Planning Commission
FROM:	Economic & Community Development Department
DATE:	December 7, 2022
CASE NO:	Z-24-21, Text Amendments
REQUEST:	Continued discussion on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules.

The Planning Commission has discussed recommendations and text amendments, pursuant to Ordinance 2021-31, at multiple meetings over the past year and has relayed important feedback to staff.

These proposed text amendments are intended to provide clarity and resolve some of the gaps that resulted from the comprehensive Zoning Code rewrite of 2019.

BACKGROUND

At the regular City Council meeting on August 23, 2021, the City Council approved Resolution 2021-31, per Chapter 44.17-6 of the Bloomington City Code, to initiate text amendments to the City's zoning regulations, Chapter 44 of the Bloomington City Code. Specifically, identified amendments relate to: (1) Auto repair and sale exclusions, definitions, and zoning, (2) Updating certain zoning classifications, (3) Reviewing residential uses that were previously permitted by right or via special use in commercial districts that should be allowed again, (4) Zoning for snack food manufacturing, (5) Zoning for assisted living facilities, and (6) The review and submission process and commission schedule.

Thus far, City Council has adopted Ordinance Number 2021-78 which addressed the primary issue with item one. On October 24, 2022, the City Council adopted Ordinance 2022-99, which completed the work on items three through five. The amendments proposed for this round of discussions are expected to complete the work instructed by Resolution 2021-31, the subject of focus being items two and six.

Recommendations for completing the remaining work are the subject of this memo.

IDENTIFIED ISSUES AND RECOMMENDATIONS COMPLETED OR IN PROGRESS

(1) Auto repair and sale exclusions, definitions, and zoning

Primary issue addressed through case Z-22-21 and Ordinance Number 2021-78.

(2) Updating certain zoning classifications

The remaining proposed changes do the following:

- Move existing text to more intuitive locations in the Code.
- Move Mobile Food and Beverage Vendors to the Accessory Use section and remove from primary Use Tables.
- Reduce Legislative Site Plan Review requirements to districts with direct local impact, per the intent of the previous code.
- Restore use permissions in B-1 when restrictions became unintentionally burdensome because of district roll-ups.
- Provide a way to appropriately locate manufacturing uses not identified in the Use Tables.
- Correct minor mistakes and scrivener's errors identified through the course of this work.

(3) Reviewing residential uses that were previously permitted by right or via special use in commercial districts that should be allowed again

Addressed through case Z-24-21 and Ordinance Number 2022-99.

(4) Zoning for snack food manufacturing

Addressed through case Z-24-21 and Ordinance Number 2022-99.

(5) Zoning for assisted living facilities

Addressed through case Z-24-21 and Ordinance Number 2022-99.

(6) The review and submission process

The remaining proposed changes do the following:

- Move responsibility for Special Use Permit review to the Planning Commission to facilitate concurrent review and align the Code with the reality of processes already occurring.
- Provide clarity that Use Provisions may be waived as part of the Special Use process.
- Update the Concurrent Review section to align with Use Provision waiver language.
- Align language with exiting requirements for reimbursement of recording costs.
- Align Mobile Food and Beverage Vendor regulations with those from other Departments.
- Remove differentiation of Legislative and Administrative hearing types; all hearings will be treated as equally important and given equal due process.
- Update quorum to be of those currently serving.
- Update language to allow Staff to be responsible for the administrative functions of a Board or Commission, such as taking meeting minutes and roll calls.
- Allow Staff, Planning Commission, or the Zoning Board to initiate text amendments.
- Clarify the Special Use Permit revocation process.

- Clarify factors for consideration of Zoning Map Amendments versus Text Amendments and verify that vital criteria are included in those factors.
- Correct minor mistakes and scrivener's errors identified through the course of this work.

The attached document is for DISCUSSION PURPOSES ONLY. In addition to the items discussed above, it does the following:

- Incorporates and notes the language adopted by Ordinance Number 2022-99 and 2021-78.
- Notes specific proposed changes and explanations, as appropriate.
- Incorporates language recommended by the Legal Department.
- Moves the GAP Form-Based code regulations out of the attachment and into the main text.

This DRAFT is for discussion and to help identify direction on a small number of items with multiple paths forward; it is incomplete and not appropriate for approval at this time. The full text in black includes the changes adopted by 2021-78, the green text with green flags are the changes made by 2022-99, **red and yellow flagged items and text should be reviewed for this round of discussion**. Staff feels it is important to review the content as a whole; to avoid missing interactions between the sections as changes are made, the final document submitted will be reduced to just those areas where changes are proposed.

Respectfully Submitted,
Planning Division Staff

ARTICLE I
Title, Intent and Purpose

§ 44-101. [Ch. 44, 1-1] Title.

This chapter of the Bloomington City Code, as amended, shall be known, cited, and referred to as the Zoning Code of the City of Bloomington, Illinois in this chapter at times referred as "this Code."

§ 44-102. [Ch. 44, 1-2] Purpose.

A. It is the general purpose and intent of this Code to foster the use and development of land in an orderly manner by both private and public interests with consideration being given to the City's social, environmental, economic, and physical development goals and objectives. It is further recognized that the City needs to regulate and manage land use in order to implement sound Comprehensive Planning policies, and to protect individual landowners and general neighborhoods from incompatible and detrimental land uses. Therefore, the establishment of zoning districts and the regulations pertaining thereto as provided in this Code are declared to be essential to the public interest and are expressly found to be a matter pertaining to the City's government and affairs.

B. In addition to this general purpose and intent, this Code or portions thereof are further intended to give effect to the following specific purposes.

(1) To provide for the orderly and functional arrangement of land uses and buildings;

(2) To establish standards for the orderly development or redevelopment of geographic areas within the City;

(3) To facilitate the adequate and economical provision of transportation, water, sewage disposal, stormwater drainage, schools, parks, and other public facilities;

(4) To conserve and protect natural resources including prime agricultural land, mineral resources, and areas of scientific interest;

(5) To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington;

(6) To secure for the public, locations for housing, employment, shopping, education, and recreation that are adequate in terms of health, safety, convenience and number;

(7) To conserve and protect the taxable value of land and buildings;

(8) To preserve the integrity of neighborhoods in the community;

(9) To protect the air, water, and land resources within the City from the hazards

of pollution and misuse;

(10) To protect land and structures from natural hazards including flooding and erosion;

(11) To preserve and protect historic locations, structures, and groups of structures;

(12) To preserve and protect and encourage the development of buildings, groups of buildings and neighborhoods of distinctive architectural character and appearance; and

(13) To promote the Comprehensive Plan adopted by the City of Bloomington, Illinois and coordinate said Plan with land use plans adopted by other governmental entities.

§ 44-103. [Ch. 44, 1-3] Effective date.

This chapter shall take effect and be in force on and after March 11, 2019.

§ 44-104. [Ch. 44, 1-4] Severability.

It is hereby further declared to be the intention of the City Council of the City of Bloomington, Illinois that the several provisions of this Code are separable in accordance with the following:

A. If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment order.

B. If any court of competent jurisdiction shall adjudge any provision of this Code invalid as it applies to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in such judgment order.

§ 44-105. [Ch. 44, 1-5] Interpretation.

A. In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements deemed necessary for the promotion of the public health, safety, and general welfare.

B. This Code is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this Code are more restrictive than such easements, covenants, or other private agreements, the requirements of this Code shall govern.

C. To the extent that a building, structure or use not lawfully existing at the time of the adoption of this Code is in conflict with the requirements of the Code, said building, structure or use shall remain unlawful hereunder.

D. Where the conditions imposed by any provision of this Code are either more or less restrictive than conditions imposed by any other law, ordinance, resolution, rule, or

regulation applicable to property or to the use of property with the City of Bloomington, the regulation which is more restrictive, or which imposes the higher standard or requirement shall govern.

E. In cases where two or more standards in this chapter conflict with one another, the more restrictive standard shall not necessarily control. Rather, the Director of Economic and Community Development shall determine which standard controls based on the degree to which a particular standard results in: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(1) Greater consistency with the goals and objectives contained in the Comprehensive Plan;

(2) The greatest level of compatibility with the intent and purpose of this Code;

(3) Increased compatibility with adjacent development and surrounding community character;

(4) Enhanced environmental quality and natural resources protection;

(5) Greater protection and preservation of historic and cultural resources; and

(6) Higher quality of building form, design and/or architecture.

F. Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Code. In the case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, or illustration, the text shall govern.

§ 44-106. [Ch. 44, 1-6] Application.

The regulations and requirements for the districts established by this Code are to apply uniformly to each class or kind of use, structure, or land.

A. No person shall hereafter use or occupy a building, structure or land or establish a use or construct, erect, place, structurally alter or maintain any building, structure, or part thereof within the City unless such use, building, structure, or land is in conformity with all the regulations herein specified for the district in which it is located.

B. It shall be the duty, obligation, and responsibility of the owner of property within the City to permit and maintain its use and occupancy only in strict accordance with the requirements of this Code.

C. No lot or yard existing on the effective date of this Code shall be reduced in dimension or area below the minimum requirements set forth herein, unless a variation for such reduction is granted by the **Zoning Board of Appeals** in accordance with § 44-1708 of this Code. Ord. No. 2022-99

D. Unless otherwise specifically permitted or authorized pursuant to a special use permit or by an approved final plan for a planned unit development, no person shall

use any part of a lot, yard or other open space or off-street parking or loading space required about or in connection with any use or structure for the purpose of complying with this Code for any other use or structure.

E. Any lot or parcel of land which permits residential uses by right or special use permit, shall not be developed into a residential occupancy without first meeting the parkland dedication and reservation requirements of Article VII of the Subdivision Code, Chapter 24.

F. All parcels of land, in any zoning classification, which are improved with the addition of impervious surface (such as paved parking, sidewalks, roofs, etc.) shall be sloped and/or drained so as to prevent surface water from such impervious areas from running onto adjoining property in unreasonable volumes.

G. Any parcel of land, except those improved with a single one or two-family dwelling unit on a single lot, in any zoning classification, which are improved with the addition of 1,400 square feet or more of impervious surface, or any existing impervious surface in excess of 1,400 square feet which is being reconstructed, shall dispose of surface water in one or more of the following methods approved by the Director of Engineering and compliant with Chapter 6 of the Manual of Practice for the Design of Public Improvements in the City of Bloomington.

ARTICLE II
Zoning Districts and Map

§ 44-201. [Ch. 44, 2-1] Establishment of districts.

A. The provisions of this Code are intended to govern the use of land, buildings, and structures; and establish bulk and off-street parking and loading, and landscaping requirements applicable thereto. It is essential that each new use of land, buildings, or structures become an integral part of the overall function and pattern of community development. All development subject to the provisions of this Code, except as provided hereinafter for Planned Unit Developments, as provided in Ordinances authorizing special use permits or pursuant to variations granted by the **Zoning Board of Appeals** or City Council shall conform to the standards of the district in which it is located.

Ord. No. 2022-99

B. In order to carry out the intent, purposes and provisions of this Code, the City of Bloomington, Illinois, is hereby divided into the following districts:

(1) Agricultural Districts:

A-Agricultural District

(2) Residential Districts:

R-1A Single-Family Residence District
R-1B Single-Family Residence District
R-1C Single-Family Residence District
R-2 Mixed Residence District
R-3A Multiple-Family Residence District
R-3B Multiple-Family Residence District
R-4 Manufactured Home Park District
GAP 1
GAP 2
GAP 3
GAP 4

(3) Business Districts:

B-1 General Commercial District
B-2 Local Commercial District
C-1 Office District
D-1 Central Business District
D-2 Downtown Transitional District
D-3 Downtown Warehouse and Arts District

GAP 5

(4) Manufacturing Districts:

M-1 Restricted Manufacturing District

M-2 General Manufacturing District

GAP 6

(5) Public Interest Districts:

P-1 University District

P-2 Public Lands and Institutions District

P-3 Airport District

(6) Zoning Overlay Districts:

S-1 Aircraft Noise Impact District

S-4 Historic Preservation District

Note: GAP District regulations included in Article XVIII of this Code.

§ 44-202. [Ch. 44, 2-2] Official Zoning Map.

A. The location and boundaries of the districts provided in this Code as of March 11, 2019, the effective date of the Ordinance adopting this Zoning Code (Chapter 44 of the Bloomington City Code), are hereby established as shown on the Official Zoning Map and such map and all notations, references and other information shown thereon shall be as to the boundaries of the districts provided herein. Amendments to such map shall be by ordinance duly adopted by the City Council.

B. Annually, not later than the 31st day of March of each year, the City Council shall, by Resolution cause the publication in pamphlet form of a revised Zoning Map indicating to the practicable changes made during the preceding calendar year.

C. The original Official Zoning Map shall be the final authority on the zoning status of land, buildings and other structures and land uses within the City as of the effective date of the ordinance adopting this Code. The original Official Zoning Map or after the publication and effective date of an annual Revised Official Zoning Map, the latest Revised Official Zoning Map in effect on a specific date, shall raise a rebuttable presumption as to the zoning status of land, buildings and other structures and land uses within the City as of said date, rebuttable solely and exclusively by the provisions of an Ordinance duly adopted by the City Council after the effective date of this Code (or after the effective date of the Official Zoning Map or after the effective date of any annual revision thereto).

D. Two copies of the original Official Zoning Map and thereafter two copies of the current Zoning Map are to be kept available for public inspection; one in the Office of the City Clerk and the other in the office of Economic and Community

Development Department. Each such map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date of adoption of the map being replaced) and is part of Chapter 44 of the Bloomington City Code, 2019, as amended." **[Amended 10-26-2020 by Ord. No. 2020-69]**

§ 44-203. [Ch. 44, 2-3] District boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following City limits shall be construed as following such City limits;

D. Boundaries indicated as following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line the boundary shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

F. Boundaries indicated as approximately following the center line of streams, canals, creeks, or other bodies of water shall be construed to follow such center lines;

G. Boundaries indicated as parallel to an extensions of features indicated in Subsections A through F above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

H. Where cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through G above, the Zoning Board of Appeals shall interpret the district boundaries;

I. Where a district boundary line divides a lot in single ownership at the time of the passage of this Code, the Zoning Board of Appeals may extend the regulations of either zoning district beyond the district line into the remaining portion of the lot, provided that the extension shall not apply to any area more than 50 feet beyond the boundary line of the district;

J. Where, due to the scale, lack of detail, illegibility, or where physical features existing on the ground are at variance with those shown on the Official Zoning

Map, and there exists any uncertainty, contradiction or conflict as to the intended location of any boundary as shown thereon, the Director of Economic and Community Development shall make an interpretation of said map upon request of any person and within a reasonable period. Any person aggrieved by such interpretation may appeal such interpretation to the **Zoning Board of Appeals** pursuant to § 44-1712. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Ord. No. 2022-99

§ 44-204. [Ch. 44, 2-4] Forcibly annexed and reverted public lands.

The following shall apply to all property which is hereafter annexed by the City or any publicly owned land which is transferred to private ownership:

A. All property hereafter forcibly annexed to the City and without further action of the City Council, shall automatically assume the classification of A - Agricultural District unless otherwise classified by amendment;

B. Whenever any street, alley or other public way is vacated by the City, the zoning district adjoining each side of such street, alley or other public way shall automatically, and without further action of the City Council, be extended to the center line of such street, alley or other public way existing prior to such vacation.

§ 44-205. [Ch. 44, 2-5] Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior map. The new map may correct drafting or other errors or omission in the prior map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

ARTICLE III
Agricultural District Regulations

§ 44-301. [Ch. 44, 3-1] Purpose and intent.

The intent of this A-Agriculture District is to govern the use of land, buildings, and structures within areas of the City where soil, topographic, and other conditions are best suited for the pursuit of agriculture or where essential community facilities or utilities do not yet or are not reasonably expected to serve the property. These regulations are further intended to provide for the protection and conservation of natural resources, to prevent or minimize conflicts between agriculture and non-agricultural land uses; act as a holding zone for annexed land prior to timely development; and to facilitate orderly and efficient urban development by preventing a scattered and indiscriminate pattern of urban growth.

§ 44-302. [Ch. 44, 3-2] Agricultural districts - permitted and special uses.

Refer to Article XVI, Definitions, for clarity on the uses listed.

A. Land uses. Uses are allowed in the A-Agricultural District in accordance with Table 302A. The following key is to be used in conjunction with the Use Table.

(1) Permitted uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Code.

(2) Special uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Article XVII, subject to compliance with all other requirements of this Code and contingent upon conditions of approval which may be imposed by the City.

(3) Uses not permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.

(4) Use regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Article XVII.

(5) Unlisted uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Article XVII to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table.

Table 302A: Agricultural District - Permitted and Special Uses		
	A	Reference
Agricultural		
Agriculture	P	
Apiary, Beekeeping	P	§ 44-1005
Aquaculture, Aquaponics, Hydroponics	P	
Animal Breeding Services	S	
Fish Hatcheries, Poultry Hatcheries	P	
Forestry	P	
Horticultural Services	P	
Urban Agriculture	P	
Urban Garden	P	
RESIDENTIAL		
Household Living		
Dwelling, Single-Family	P	
INSTITUTIONAL		
Government		
Government Services and Facilities	P	
Police Stations, Fire Stations	P	
Religious		
Place of Worship	S[1]	
Cemetery and Columbarium	S	§ 44-1010
RECREATIONAL		
Country Clubs, Golf Clubs, Golf Courses	S	§ 44-1016
Fairgrounds, Agricultural Exhibits	S	§ 44-1017
Parks and Recreation Facilities	P	

Table 302A: Agricultural District - Permitted and Special Uses		
	A	Reference
Riding Stables, Riding Schools	P	
Swimming Pools, Community	S	§ 44-1032
COMMERCIAL		
Personal Services		
Veterinary Office or Clinic	S	§ 44-1035
Retail and Service		
Roadside Markets	P	
INDUSTRIAL		
Transportation		
Airport and Landing Fields	S	§ 44-1003
Heliports, Heliport Terminals	S	
Utilities		
Commercial Solar Energy Conversion Facilities	P	§ 44-1031
Commercial Wind Energy Conversion Facilities	S	§ 44-1036
Private Solar Energy Conversion Facilities	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	§ 44-1036
Wireless Communication Facilities	S	§ 44-1037

Notes:

1. Maximum permitted height is 45 feet or three stories, whichever is lower.

§ 44-303. [Ch. 44, 3-3] Agricultural bulk and site standards.

A. Site Dimensions Table. All development in Agricultural District must comply with the requirements in Table 303A and Diagram 303A unless otherwise expressly stated.

Diagram 303A

Lot Characteristics and Site Design

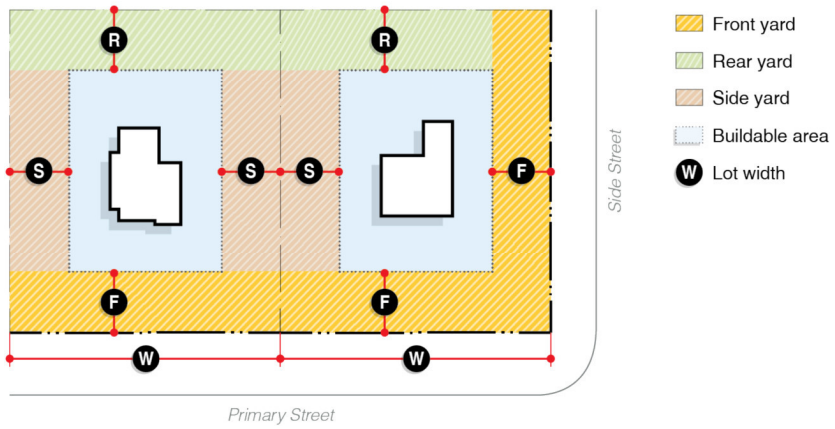


Table 303A: Agricultural District Bulk and Site Standards								
	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width	Min. Lot Area	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit	Max. Building Height	
District	(W)	(square feet)	Min.	Min.	Min.		Feet	Stories
A	150 feet	1 acre	50 feet	20 feet	50 feet	1 acre	35 feet	2.5

§ 44-304. [Ch. 44, 3-4] General standards.

A. On-site development standards. See Article IX, General Provisions, for various on-site development standards such as exterior lighting requirements, permitted encroachments, accessory uses and structures.

B. Use provisions. See Article X, Use Provisions, for standards governing permitted and special uses.

C. Off-street parking and loading. See Article XII, Off-Street Parking and Loading, for standards governing off-street parking and loading.

D. Landscaping. See Article XIII, Landscaping and Screening, for standards regarding landscaping and screening.

E. Signs. See Article XIV, Signs, for standards governing the type, placement, size, and scale of signs.

§ 44-305. [Ch. 44, 3-5] Development standards applicable to agricultural districts.

(Reserved)

ARTICLE IV
Residential District Regulations

§ 44-401. [Ch. 44, 4-1] Purpose and intent.

A. R-1A Single-Family Residence District. The R-1A Residence District is intended to provide for the establishment of areas characterized by large lot single-family dwelling units for occupancy by families, and related recreational, religious, and cultural facilities that serve the immediately surrounding residents, as well as those living in the district. The R-1A district provides for approximately two dwelling units per acre.

B. R-1B Single-Family Residence District. The R-1B Residence District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development. The R-1B district allows densities of up to approximately six dwelling units per acre.

C. R-1C Single-Family Residence District. The R-1C Residence District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling units per acre are allowed. This district may be applied to newly developing areas as well as the older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

D. R-1H Single-Family Manufactured Home Residence District. The R-1H Single-Family Manufactured Home Residence District is intended to allow primarily for the establishment of a manufactured home subdivision wherein individual lots are provided for ownership. Densities of approximately eight dwelling units per acre are allowed. Manufactured homes are to be placed on permanent foundations.

E. R-2 Mixed Residence District. The R-2 Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

F. R-3A Multiple-Family Residence District. The R-3A Residence District is intended to facilitate the development of residential districts for primarily multiple-family

dwelling units which may generally serve as a zone of transition between nonresidential districts and residential districts of more moderate density. This district is further intended to provide for the needs of persons desiring multiple-family dwelling units at densities from 12 to 29 dwelling units per acre.

G. R-3B Multiple-Family Residence District. The R-3B Residence District is intended to allow for increased neighborhood density through the development of small-lot single-family housing, townhomes, duplexes, and multifamily complexes, while being supportive of the overall historic character of the neighborhoods to which it is applied and the preservation of historic structures. The district allows for a maximum density of 70 dwelling units per acre and may be applied to areas best suited for such intense residential usage, principally on the fringes of the Bloomington Central Business District. It may also be applied to other areas in the City where comparable physical arrangements of land uses are present.

H. R-4 Manufactured Home Park District. The R-4 Manufactured Home Park District is intended to provide for the establishment of manufactured home parks wherein manufactured home stands or pads are provided in a safe, sanitary, and economical manner in conformance with the Manufactured Home Park Ordinance, Chapter 43 of the Bloomington City Code, 1960, as amended.

I. R-D Downtown Neighborhood Residence District. The R-D Downtown Neighborhood Residence District is intended to accommodate primarily residential areas adjacent to Bloomington's Central Business District characterized by a mixture of housing types and scales, including large and small lot single-family detached and attached homes as well as low-intensity multifamily buildings. New development and redevelopment in the district is intended to be supportive of the overall historic character of the area and prioritize the preservation of historic structures. This district allows for the conversion of single-family detached properties to multifamily or office uses to preserve the integrity of historic structures and extend their economic life by allowing owners to justify expenditures for repairs and modernization. **[Added 2-8-2021 by Ord. No. 2021-5]**

§ 44-402. [Ch. 44, 4-2] Residential districts - permitted and special uses.

Refer to Article XVI, Definitions, for clarity on the uses listed.

A. Land uses. Uses are allowed in the Residential Districts in accordance with Table 402A. The following key is to be used in conjunction with the Use Table.

(1) Permitted uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Ordinance.

(2) Special uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Article XVII, subject to compliance with all other requirements of this Code and contingent upon conditions of approval which may be imposed by the City.

(3) Uses not permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.

(4) Use regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Article XVII.

(5) Unlisted uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Article XVII to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table. **[Amended 2-8-2021 by Ord. No. 2021-5]**

Table 402A: Residential Districts - Permitted and Special Uses

	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
Agricultural										
Apiary/Bee Keeping	P	P	P	P	P	P	P	P	P	§ 44-1005
Chicken-Keeping	S	S	S	S	S	S	S	S	S	§ 44-1011 Ord. No. 2022-99
Urban Agriculture						S	S		S	
Urban Garden			P	P	P	P	P	P	P	
RESIDENTIAL										
Household Living										
Dwelling, Single-Family	P	P	P	P	P	P	P		P	
Dwelling, Single-Family Attached					S	P	P		P	§ 44-1046 Ord. No. 2022-99
Dwelling, Two-Family			S	S	P	P	P		P	§ 44-1046 Ord. No. 2022-99
Dwelling, Multiple-Family					S	P	P		P	
Dwelling, Multiple-Family Conversion (2 units)					S				P	§ 44-1040
Dwelling§ 44-1046, Multiple-Family Conversion (3+ units)					S				S	§ 44-1040
Manufactured Homes				P				P		
Mobile Homes								P		
Dwelling Unit, Accessory									S	
Live/Work Unit							S		S	
Group Living										
Agency Supervised Homes			P	P		S	S		S	§ 44-1019

Table 402A: Residential Districts - Permitted and Special Uses										
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
Agency-Operated Family Homes	P	P	P	P	P	P	P		P	§ 44-1019
Agency-Operated Group Homes					S	P	P		S	§ 44-1019
Convents, Monasteries					S	S	P		P	§ 44-1019
Dormitories					S	S	P		S	§ 44-1019
Group Homes for Parolees	S	S	S	S	S	S	S	S	S	§ 44-1019
INSTITUTIONAL										
Education										
Pre-schools	S	S	S		S	S	S	S	S	
Government										
Government Services and Facilities	P	P	P		P	P	P	P	P	
Police Stations, Fire Stations	P	P	P		P	P	P	P	P	
Religious										
Place of Worship	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	
Cemetery and Columbarium	S	S	S	S	S	S	S	S	S	§ 44-1010
Residential-Type										
Domestic Violence Shelter					P	P	P		P	
Ord. No. 2022-99 **Assisted Living Facilities**						S	S		S	§ 44-1019
Other Institutional, Cultural										
Clubs and Lodges							S		S	
Food Pantry							S		S	§ 44-1018
RECREATIONAL										
Country Clubs, Golf Clubs, Golf Courses	S	S	S	S	S	S	S	S	S	§ 44-1012
Community Center						S	S	S	S	§ 44-1013
Parks and Recreation Facilities	P	P	P	P	P	P	P	P	P	
Swimming Clubs						S	S	S	S	
Swimming Pools, Community	S	S	S	S	S	S	S	S	S	§ 44-1032
COMMERCIAL										
Entertainment and Hospitality										
Sports and Fitness Establishments						S	S	S	S	§ 44-1013
Lodging										

Table 402A: Residential Districts - Permitted and Special Uses										
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
Bed-and-breakfast Establishments						S	S		S	§ 44-1007
Boarding and Rooming Houses					S	S	P		S	§ 44-1019
Offices										
Office Conversion									S	§ 44-1041
Medical or Dental Office or Clinic							S		S	§ 44-1024
Ord. No. 2022-99 Materials Testing Facility							S		S	
Ord. No. 2022-99 Medical Laboratory Facility							S		S	
Personal Services										
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.							S[2]	S[2]		
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.							S[2]	S[2]	S[2]	
Day-care centers	S	S	S	S	S	S	S	S	S	
Retail and Service										
Drug Stores and Pharmacies							S[2]	S[2]	S[2]	
Grocery Stores, Supermarkets							S[2]	S[2]	S[2]	
INDUSTRIAL										
Utilities										
Public or Private Utility Facility, Minor	P	P	P		P	P	P	P	P	
Private Solar Energy Conversion Facilities	P	P	P		P	P	P	P	P	§ 44-1031
Wireless Communication Facilities	S	S	S		S	S	S	S	S	§ 44-1037

Notes:

1. Maximum permitted height is 45 feet or three stories, whichever is lower.
2. The use shall be located within a building containing multiple-family or office uses in the R-3B District and shall not be permitted within a Mobile Home or Dwelling Unit in the R-4 District. The maximum permitted floor area is 1,600 square feet for Clothing Care; 1,000 square feet for Personal Care or 5,000 square feet for Drug Stores, Pharmacies, and Grocery Stores

§ 44-403. [Ch. 44, 4-3] Residential bulk and site standards.

A. Site dimensions table. All development in Residential Districts District must comply with the requirements in Tables 403A through 403D and Diagram 403A unless otherwise expressly stated.

Diagram 403A
Lot Characteristics and Site Design

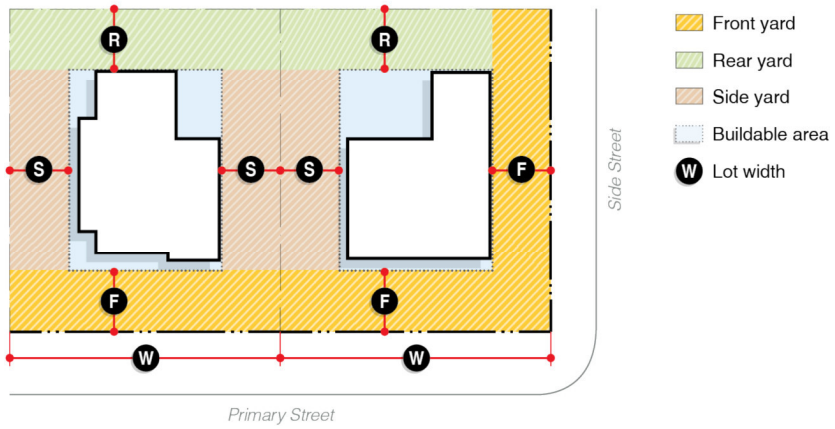


Table 403A: Bulk and Site Standards R-1 Districts

	Lot Characteristics		Site Design			Development Intensity		
			Front Yard	Side Yard	Rear Yard	Min. Lot Area per Dwelling Unit	Max. Building Height	
District	Min. Lot Width (W)	Min. Lot Area (square feet)	(F) Min.	(S) Min.	(R) Min.	(square feet)	Feet	Stories
R-1A	125 feet	22,500	40 feet	16 feet	40 feet	22,500	35 feet	2.5
R-1B	70 feet	7,000	30 feet	6 feet	30 feet	7,000	35 feet	2.5
R-1C	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5
R-1H	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5

Table 403B: Bulk and Site Standards R-2 District

	Lot Characteristics		Site Design			Development Intensity		
			Front Yard	Side Yard	Rear Yard	Min. Lot Area per Dwelling Unit	Max. Building Height	
District	Min. Lot Width (W)	Min. Lot Area (square feet)	(F) Min.	(S) Min.	(R) Min.	(square feet)	Feet	Stories
R-2								
Detached Residential	50 feet	6,600	25 feet	6 feet	25 feet	6,600	35 feet	2.5
Attached and Multi-Residential	75 feet	7,000	25 feet	6 feet	25 feet	3,300	35 feet	2.5
Other Uses	50 feet	7,000	25 feet	6 feet	25 feet	7,000	15 feet	1

Table 403C: Bulk and Site Standards R-3 Districts

District	Lot Characteristics		Site Design			Development Intensity			
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F) Min.	Side Yard (S) Min.	Rear Yard (R) Min.	Min. Lot Area per Dwelling Unit (square feet)	Floor Area Ratio (FAR)	Max. Building Height Feet	Max. Building Height Stories
R-3A									
Single- and Two-Family Residential	70 feet	6,600	30 feet	10 feet	30 feet	6,600	—	35	2.5
Attached and Multi-Residential	70 feet	7,000	30 feet	10 feet	30 feet	1,500	0.5	35	2.5
Other Uses	70 feet	7,000	30 feet	10 feet	30 feet	7,000	—	35	2.5
R-3B									
Single- and Two-Family Residential	60 feet	5,000	20 feet	6 feet	25 feet	2,500	—	35	2.5
Attached and Multi-Residential	60 feet	5,000	20 feet	Min. 9 feet or 1/3 of building height for buildings > 3 stories	25 feet	620	0.8	65[1]	6[1]
Other Uses	60 feet	7,000	20 feet	Min. 9 feet or 1/3 of building height for buildings > 3 stories	25 feet	7,000	—	65[1]	6[1]

Notes:

1. Adjacent to any parcel improved with a single family or two-family dwelling unit, the maximum permitted height is reduced to 55 feet or four stories, whichever is lower.

Table 403D: Bulk and Site Standards R-4 District

District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S) Min.	Rear Yard (R) Min.	Min. Lot Area per Dwelling Unit (square feet) Min.	Max. Building Height Feet	Max. Building Height Stories
R-4	40 feet	4,100	10	5	5	—	25 feet	2

B. R-D District. **[Added 2-8-2021 by Ord. No. 2021-5]**

(1) Lot characteristics.

(a) Minimum lot width for lots on block fronts with three or fewer front-facing parcels. The minimum lot width shall be calculated as the average of the front-facing lot widths along the opposite side of the street and on the same block, or as the average of the lot widths along the same side of

the street and on the adjacent block, whichever is lesser. The widest and narrowest lot widths shall be eliminated in the making of the computation.

(b) Minimum lot width for lots on block fronts with four or more front-facing parcels. The minimum lot width shall be calculated as the average of the lot widths of front-facing lots along the same side of the street and on the same block, or 30 feet, whichever is greater. The widest and narrowest lot widths shall be eliminated in the making of the computation.

(c) Minimum lot area for lots on block fronts with three or fewer front-facing parcels. The minimum lot area shall be calculated as the average of the lot areas of front-facing lots along the opposite side of the street and on the same block, or as the average of the lot areas of front-facing lots along the same side of the street and on the adjacent block, whichever is lesser. The smallest and largest lot areas of the parcels shall be eliminated in the making of the computation.

(d) Minimum lot area for lots on block fronts with four or more front-facing parcels. The minimum lot area shall be calculated as the average of the lot areas of the front-facing lots along the same side of the street and on the same block, or 4,500 square feet, whichever is greater. The smallest and largest lot areas of the parcels shall be eliminated in the making of the computation.

(e) Minimum lot area per multifamily unit. The minimum lot area per multifamily unit shall be 1,000 square feet.

(2) Site design.

(a) Front yard for lots on block fronts with three or fewer front-facing parcels. The required front yard setback shall be calculated as the average of the existing front yard setbacks as measured from the front lot line to the principal structure, excluding permitted encroachments as detailed in § 44-904, along the opposite side of the street and on the same block or along the same side of the street and on the adjacent block, whichever is lesser. The shortest and longest setbacks shall be eliminated in the making of the computation.

(b) Front yard for lots on block fronts with four or more front-facing parcels. The required front yard setback shall be calculated as the average of the existing front yard setbacks as measured from the front lot line to the principal structure, excluding permitted encroachments as detailed in § 44-904, along the same side of the street and on the same block. The shortest and longest setbacks shall be eliminated in the making of the computation.

[1] Through lots. Shall provide the required front yard on both streets.

(c) Rear yard. A rear yard shall have a depth of not less than 15% of the depth

of the lot or 25 feet, whichever is greater.

(d) Side yards. The required minimum side yard setback shall be 10% of the lot width or five feet, whichever is greater, and the minimum required combined side yard setback shall be 25% of the lot width, or 10 feet, whichever is greater as measured to the exterior wall of the structure.

(3) Development intensity.

(a) Maximum building coverage: 45%.

(b) Maximum building height: 45 feet or four stories.

§ 44-404. [Ch. 44, 4-4] General standards.

A. On-site development standards. See Article IX, General Provisions, for various on-site development standards such as exterior lighting requirements, permitted encroachments, accessory uses and structures. In addition to the requirements of Article IX and § 44-403, the following regulations apply to residential front yards.

(1) Where lots comprising 50% of a block frontage in a residence district are improved with buildings, the required front yard shall be the average of front yard depths of residences on each developed site on the block frontage. For the purposes of this section, a traffic control device, block numbering system or street curve in excess of a 45° angle may be considered as a line of demarcation.

(2) Lots rezoned to the R-3A, R-3B and R-4 District that are adjacent to a lot in the R-1A, R-1B, R-1C, R1-H or R-2 District shall provide transitional front, side and rear yards as follows:

(a) Front yard: equal to the required front yard of the adjacent R-1A, R-1B, R-1C, R1-H or R-2 District.

(b) Side yard: equal to 10 feet plus the required minimum side yard of the adjacent R-1A, R-1B, R-1C, R-1H or R-2 District.

(c) Rear yard: equal to 15 feet plus the required minimum rear yard of the adjacent R-1A, R-1B, R-1C, R-1H, or R-2 District.

B. Use provisions. See Article X, Use Provisions, for standards governing permitted and special uses.

C. Off-street parking and loading. See Article XII, Off-Street Parking and Loading, for standards governing off-street parking and loading. In addition to the requirements of Article XII, the following regulations apply to residential driveways.

(1) Required off-street parking spaces for residential uses shall be located on the same lot as the use requiring such parking or on an adjoining lot. Except as provided in Subsection C(2) below, required off-street parking spaces in residence districts shall be located on the same lot as the use requiring such

parking.

(2) Off-street parking spaces shall be located as follows:

(a) All new and approved off-street parking spaces and driveways shall be located at least three feet from any side lot line. All legal nonconforming driveways may be reconstructed, but not expanded, at their existing location.

(b) In the R-1A, R-1B, R-1C, R-1H, and R-2 Districts, no off-street parking shall be permitted in the front yard except on approved driveways of single-family, two-family, and attached single-family dwelling units. On driveways leading to only one legal off-street parking space, the parking of no more than two cars side-by-side is allowed only under the following conditions:

[1] The driveway must be paved;

[2] The width of the driveway approach and the driveway at the sidewalk must be a minimum of 16 feet and shall not exceed 24 feet. The required width shall be maintained to a sufficient length to allow parking of cars on private property. Existing driveways less than 16 feet wide may be flared to the required width and length without widening the driveway approach only if plans are approved by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

[3] Parked vehicles shall not overhang or extend over public sidewalks.

(c) In all other districts, off-street parking spaces shall only be permitted on approved driveways in the required front yards, unless otherwise provided by this Zoning Ordinance.

D. Landscaping. See Article XIII, Landscaping and Screening, for standards regarding landscaping and screening.

E. Signs. See Article XIV, Signs, for standards governing the type, placement, size, and scale of signs.

§ 44-405. [Ch. 44, 4-5] Development standards applicable to residential districts.

Ord. No. 2022-99

A. **Reserved**.

ARTICLE V
Business District Regulations

§ 44-501. [Ch. 44, 5-1] Purpose and intent.

A. B-1 General Commercial District. The intent of this B-1 General Commercial District is to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types.

B. B-2 Local Commercial District. The intent of this B-2 Local Commercial District is to provide retail, commercial and service establishments, including retail stores and personal service facilities, which serve the frequently recurring needs of surrounding local employment areas and residential neighborhoods. In addition to serving commercial purposes, this district encourages a mix of land uses, continued community investment through infill and site renovations, and a development form that supports mixed transportation modes, such as bicycle, pedestrian, and public transportation in addition to personal vehicles. Neighborhood shopping centers, particularly with a supermarket as a principal or anchor tenant, are appropriate at prominent intersections. The protection of surrounding residential properties from adverse impacts is a primary focus of this district.

C. C-1 Office District. The intent of this C-1 Office District is to accommodate office buildings primarily. Related retail, service, institution, and multiple-family uses commonly associated with office uses are allowed to a limited extent. This district may be applied as a transitional use buffer between residential uses and uses which would be incompatible with residential districts. The prime characteristics of this district are the low intensity of land coverage and the absence of such nuisance factors as noise, air pollutant emission, and glare.

D. D-1 Central Business District. The intent of this D-1 Central Business District is to provide for a variety of retail, office, service, residential and cultural amenities in the central business area of the City. This area has historically served as Bloomington's major retail and community center and will continue in this capacity moving forward. In addition to commercial and governmental functions, arts and establishments supporting the arts are emphasized. Residential uses, particularly mixed-use or multifamily residential development at a high density, are recognized as essential to the vitality of the district. While visitors are likely to access the D-1 district by vehicle, pedestrian access and circulation is prioritized in the downtown core. Recognizing the essential importance of building proximity to the public sidewalk and adjoining structures, provisions are made for the development of collective off-street parking facilities by public and private interests.

E. D-2 Downtown Transitional District. The intent of this D-2 Downtown Transitional District is to complement and support the uses located in the D-1 Central Business District. Office, service and civic uses, as well as residential apartments and multifamily dwelling units, are appropriate in this district. Due to its transitional location between the central business district and outlying residential areas, the D-2 District permits development at a lower intensity and density than the downtown core. Pedestrian circulation is prioritized. To this end, buildings should be located close to the sidewalk with on-site parking located to the rear of the parcel and accessed from secondary roadways or alleys, though modest setbacks for courtyards, gardens and other similar amenities may be provided.

F. D-3 Downtown Warehouse and Arts District. The intent of this D-3 Downtown and Arts District is to facilitate entrepreneurship and innovation by accommodating mixed uses that complement the downtown and support various parts of the value-added chain. Uses permitted in this district support Bloomington's artist community and small scale "craftsman" industries with little to no noxious by-products. Although not the focus of this district, live-work studios, multifamily residential buildings, and loft-type residences above the first floor, are permitted. Due to the intended use of this district, the urban form may include buildings with larger footprints and greater setback distances than would be acceptable in the central business district. Pedestrian safety is emphasized in the context of increased truck and other vehicular traffic that may be present in the area.

Ord. No. 2022-99

§ 44-502. [Ch. 44, 5-2] Business Districts - permitted and special uses.

Refer to Article XVII, Definitions, for clarity on the uses listed.

A. Land uses. Uses are allowed in the Business Districts in accordance with Table 502A. The following key is to be used in conjunction with the Use Table.

(1) Permitted uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Code.

(2) Special uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Article XVII, subject to compliance with all other requirements of this Code and contingent upon conditions of approval which may be imposed by the City.

(3) Uses not permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.

(4) Use regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Article XVII.

(5) Unlisted uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the

proposed use, a text amendment may be initiated pursuant to Article XVII to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table. **[Amended 12-16-2019 by Ord. No. 2019-89; 8-24-2020 by Ord. No. 2020-55]**

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Agricultural							
Forestry	P	P					
Horticultural Services	P	P					
Urban Agriculture						P	
Urban Garden					P	P	
RESIDENTIAL							
Household Living							
Dwelling, Single-Family				P[2]		P[1]	
Dwelling, Single-Family Attached	S	P[1]	S		P	P[1]	§ 44-1046 Ord. No. 2022-99
Dwelling, Two-Family		P[1]	S	P[2]	P	P[1]	§ 44-1046 Ord. No. 2022-99
Dwelling, Multiple-Family	S	P[1]	S	P[2]	P	P	
Live/Work Unit	S	P[1]	S	P[2]	P	P	Ord. No. 2022-99
Group Living							
Agency Supervised Homes			S	P[2]	P		§ 44-1019
Agency-Operated Family Homes			S	P[2]	P		§ 44-1019
Agency-Operated Group Homes			S	P[2]	P	P[1]	§ 44-1019
Convents, Monasteries			P				§ 44-1019
Dormitories			S		S		§ 44-1019
Group Homes for Parolees			S	S	S	S	§ 44-1019
INSTITUTIONAL							
Education							
Pre-schools	P	P	P		S		
Business and Trade Schools	P		P				
College and University Classrooms			P		S		
Government							
Courthouses				P			
Government Services and Facilities	P	P	P	P	P	P	
Police Stations, Fire Stations	P	P	P	P	P	P	
Religious							
Place of Worship	~~S~~ P[1]	S	P[2]	P[2]	P[2]		

Restriction rolled-up with business districts. Was S only in C-2, permitted in all other Bus/Comm Districts in prior code.

B-1 NEW Special Use

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Health							
Ambulatory Surgical Treatment Center	P	P	P	P			
B-1 NEW Special Use							
Hospital or Medical Center	~~S~~ P[1]		S				
Residential-Type							
Domestic Violence Shelter	P		P	P	P		
Ord. No. 2022-99							
Assisted Living Facilities	S	P[1]	P		S	P	§ 44-1019
Other Institutional, Cultural							
Clubs and Lodges	P	P	P	S	P		§ 44-1012
Food Pantry	P	P	P		P		§ 44-1018
Libraries			P	P	P		
Museums and Cultural Institutions			P	P	P	P	
Zoos	S						
RECREATIONAL							
Country Clubs, Golf Clubs, Golf Courses			P				§ 44-1016
Community Center			P	P	P	S	§ 44-1013
Fairgrounds, Agricultural Exhibits	S						§ 44-1017
Parks and Recreation Facilities	P	P	P	P	P	P	
Riding Stables, Riding Schools	S						
Swimming Clubs	P	P					
Swimming Pools, Community	P	P	P				§ 44-1032
COMMERCIAL							
Aircraft and Automotive							
Car Wash	P[1]	S					§ 44-1009
Farm Machinery Sales and Service	P[1]						
Towing Services							
Truck Stops, Truck Plazas	S						
Truck Wash	S						
Vehicle Fueling Station	P	S					
Vehicle Repair and Service	S						§ 44-1034
Vehicle Rental Service	P[1]						
Vehicle Sales and Service	S						
Entertainment and Hospitality							

Restriction rolled-up with business districts. Use was size restricted only in C-2, permitted by right in all other Bus/Comm Districts in the prior code.

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Amusement Parks	S						
Commercial Recreation Facilities	P	P		S	S	S	§ 44-1015
Community Reception Establishments					S		§ 44-1014
Entertainment and Exhibition Venues	P[1]				S		
Miniature Golf Courses	P						
Sexually Oriented Entertainment Businesses	P[5]						
Sports and Fitness Establishments	P	P	P	P	P	S	§ 44-1013
Theaters and Auditoriums	P			P	P	S	
Lodging							
Bed-and-breakfast Establishments		P	P[6]	P	P		§ 44-1007
Boarding and Rooming Houses		P		P	S		§ 44-1019
Camp and Camping Establishments	S						§ 44-1008
Hotel or Motel	P			P	S	S	§ 44-1021
Offices							
Financial Services	P	P	P	P	P		
General Offices,	P	P	P	P	P	P	
Materials Testing Facility (Ord. No. 2022-99)	P	P	P			P	
Medical or Dental Office or Clinic	P	P	P	P	P		§ 44-1024
Medical Laboratory Facility (Ord. No. 2022-99)	P	P	P				
Printing, Copying and Mailing Services	P	P	P	P	P	P	
Recording and Broadcast Studios	P		P[7]	P		P	
Research Facility or Laboratory	S		S			P	
Personal Services							
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.	P	P	P[7]	P	P	P	
Funeral Parlor, Mortuary	P	P	P		S		
Instructional Studios	P	P	P[7]	P	P	P	
Kennels, with no outdoor exercise areas	P[1]	P[1]	P[1]			P[1]	
Kennels, with outdoor exercise areas	S						
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.	P	P	P[7]	P	P	P	

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	**B-2**	**C-1**	**D-1**	**D-2**	**D-3**	**Reference**
Pet Care: Grooming, Day Care, Training	P	P	P	P	P	P	
Veterinary Office or Clinic	P	P	S		P		§ 44-1035
Day-care centers	P	P	P		S		
Retail and Service							
Adult-use cannabis dispensing organization	S	S	S	S	S	S	44-1039
Artisanal/Craft Production and Retail	P	P		P	P	P	
Auction Houses	P					P	
Bars, Taverns, Nightclubs	P[1]	S	P[7]	P	S	P	
Building Materials and Supplies	P						
Catering Services	P	P				P	
Drive-Through, attached to a retail or service use	P[1]	P[1]	S			S	
Drug Stores and Pharmacies	P	P	S	P	P		
Farmers Market				P			
Grocery Stores, Supermarkets	P	P					
Gun Shops	P[1]	P[1]					
Liquor Stores	P	P	P[7]				
Manufactured and Mobile Home Sales	S						§ 44-1023
Medical Marijuana Dispensing Organization	P	P	P	P	P	P	
Proposed Change ~~Mobile Food and Beverage Vendor~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~§ 44-1027~~
Now accessory use in all Districts; not site specific (license based)							
Restaurants	P	P	P[7]	P	P	P	
Retail Sales, General	P	P	P[7]	P	P	P	
Retail sales, Outdoor	P	S		S		P	
Roadside Markets	P						
Proposed Change Sexually Oriented ~~Business~~ Shops	P[5]						
Consistency with definition and other related use terminologies							
Specialty Food Shops	P	P	P[6]	P	P	P	
INDUSTRIAL							
Manufacturing and Production, Light							
Apparel, Fabrics, Leather Industries						P	
Commercial Cleaning and Repair Services	P		P				
Commercial Community Kitchen			P	P	S	P	
Electronics Assembly Plants							

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Fabricated Metal Industries						S	
Furniture and Fixtures Industries						S	
Trade and Construction Services	P	P				P	
Storage and Equipment Yards							
Mini Warehouses	S						§ 44-1026
Parking Lot, Commercial	S	S	S	S		S	
Warehouse	P[1]		S			P	
Transportation							
Bus and Taxi Passenger Terminals	S			S	S	S	
Heliports, Heliport Terminals	S		S				
Rail Passenger Terminals	P			P			
Utilities							
Commercial Solar Energy Conversion Facilities	P	P				P	§ 44-1031
Private Solar Energy Conversion Facilities	P	P	P	P	P	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	P					§ 44-1036
Public or Private Utility Facility, Minor	P	P	P	P	P	P	
Radio, Television Stations-Towers	P			P		P	
Wireless Communication Facilities	P	P	P	P	P	P	§ 44-1037

Unclear evidence of deliberate or unintentional change. For consideration.

Unclear evidence of deliberate or unintentional change. For consideration.

Ord. No. 2022-99

Notes:

1. A Special Use is required when the use adjoins a Residential District boundary line.
2. The use is permitted only when located above the first story above grade
3. Maximum permitted height is 45 feet or three stories, whichever is lower.
4. (Reserved)
5. The use is allowed in the zoning district represented by that column provided that no lot line of the lot to be occupied by such use shall be located closer than 1,000 feet to the lot line of a lot occupied by a Sexually Oriented Entertainment Business, or other Sexually Oriented Business, and further provided that no lot line of the lot to be occupied by such use shall be located closer than 500 feet to the lot line of a lot used for a Commercial Recreation Facility, a Day-care center, children's museum, Agency-Operated Family Home, Agency-Operated Group Home, Agency-Supervised Home, hobby shop or toy store, Pre-school, Public or Private School, Boarding School, Park or Recreation Facility, Sports and Fitness Establishment, Community Center, Place of Worship, Residential Dwelling Unit, Hospital or Zoo.
6. The use is allowed in that zoning district only as an accessory use occupying not more than 40% of the floor area of any story within a Business, Office or Residential Building or combination thereof;
7. The use is allowed in that zoning district only as an accessory use occupying not more than 25% of the floor area of any story within an Office or Residential Building or combination thereof;

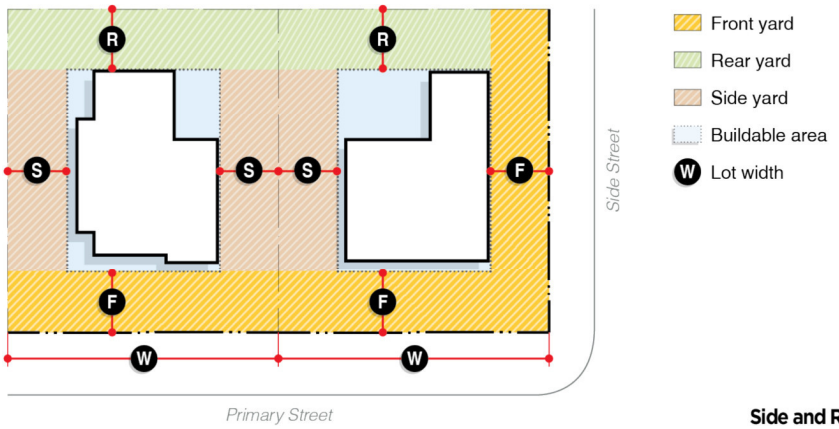
§ 44-503. [Ch. 44, 5-3] Business district bulk and height standards.

§ 44-503. [Ch. 44, 5-3] Business district bulk and height standards.

A. Site Dimensions Table. All development in Business Districts must comply with the requirements in Tables 503A and 503B and Diagram 503A, unless otherwise expressly stated.

Diagram 503A

Lot Characteristics and Site Design



Side and Rear Yard

Table 503A: Bulk and Site Standards B-1, B-2 and C-1 Districts

	Lot Characteristics		Site Design			Development Intensity		
	Minimum Lot Width	Minimum Lot Area	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Floor Area Ratio	Maximum Building Height	
District	(W)	(square feet)	Min.	Min.	Min.	(FAR)	Feet	Stories
B-1	—	—	—	Minimum 5 feet or 1/3 of building height for buildings > 3 stories		0.8		
B-2	—	—	—	Minimum 5 feet		0.5	30 feet	2
C-1	—	—	20 feet	Min. 5 feet or 1/3 of building height for buildings > 3 stories	20 feet	1.0		

Table 503B: Bulk and Site Standards D-1, D-2, D-3 Districts

	Lot Characteristics		Site Design				Development Intensity		
	Minimum Lot Width	Minimum Lot Area	Front Yard (F)		Side Yard (S)	Rear Yard (R)	Floor Area Ratio	Maximum Building Height	
District	(W)	(square feet)	Min.	Max.	Min.	Min.	(FAR)	Feet	Stories
D-1	25 feet	—	—	5 feet	—	—	12.0		
D-2									
In General	40 feet	—	5 feet	15 feet	5 feet	5 feet		65 feet	6

Table 503B: Bulk and Site Standards D-1, D-2, D-3 Districts									
	Lot Characteristics		Site Design				Development Intensity		
District	Minimum Lot Width (W)	Minimum Lot Area (square feet)	Front Yard (F) Min.	Front Yard (F) Max.	Side Yard (S) Min.	Rear Yard (R) Min.	Floor Area Ratio (FAR)	Maximum Building Height Feet	Maximum Building Height Stories
Adjoining Res. District	40 feet	—	15 feet	25 feet	Min. 6 feet; or 1/3 of building height for buildings > 3 stories	Min. 12 feet; or 1/3 of building height for buildings > 3 stories		55 feet	4
D-3									
In General	50 feet	—	—	15 feet	5 feet	5 feet		55 feet	4
Adjoining Res. District	50 feet	—	15 feet	25 feet	Min. 6 feet; or 1/3 of building height for buildings > 3 stories	Min. 12 feet; or 1/3 of building height for buildings > 3 stories		55 feet	4

§ 44-504. [Ch. 44, 5-4] General standards.

A. On-site development standards. See Article IX, General Provisions, for various on-site development standards such as exterior lighting requirements, permitted encroachments, temporary sales, accessory uses and structures. In addition to the requirements of Article IX and Table 503A, the following regulations apply.

(1) Lots zoned to the B-1, B-2 and C-1 District that are adjacent to a Residential District shall provide transitional front, side and rear yards as follows:

(a) Front Yard adjoining a Residential District: equal to the required front yard of the adjacent Residential District.

(b) Side Yard adjoining a Residential District: equal to 10 feet plus the required minimum side yard of the adjacent Residential District.

(c) Rear Yard adjoining a Residential District: equal to 15 feet plus the required minimum rear yard of the adjacent Residential District.

(2) The transitional yard shall be maintained free of buildings, structures, parking facilities or outdoor storage; provided, however, that parking may be permitted in a rear transitional yard if such parking is located no closer than 10 feet from the rear property line and screening is provided pursuant to Article XIII.

B. Use provisions. See Article X, Use Provisions, for standards governing permitted and special uses.

C. Off-street parking and loading. See Article XII, Off-Street Parking and Loading, for standards governing off-street parking and loading. In addition, the following regulations apply:

(1) In the D-1 District, off-street parking areas shall not occupy any space between the building facade and a public street.

(2) In the D-2 and D-3 Districts, off-street parking areas may be located to the side or rear of a building but shall not occupy any space between the building facade and the front property line.

D. Landscaping. See Article XIII, Landscaping and Screening, for standards regarding landscaping and screening.

E. Signs. See Article XIV, Signs, for standards governing the type, placement, size and scale of signs.

§ 44-505. [Ch. 44, 5-5] Development standards applicable to business districts.

A. Site plan review. Development proposals meeting the following criteria shall be subject to Site Plan Review in accordance with the requirements of Article XVII.

Proposed Change

(1) New development, infill or redevelopment in the B-2, C-1, or D-2 District.

(2) Building or site alteration in the B-2, C-1, or D-2 District that includes one or more of the following:

Site Plan Review restriction that rolled up with the district roll-up resulted in overly burdensome requirements for intentionally intensive business districts

(a) Expansion of the floor area or height of any building or structure by 20% or more.

(b) Alterations to off-street parking areas that increase or decrease the number of parking spaces by 20% or more.

(c) Exterior alterations that substantially modify a building's architectural appearance, including alteration of exterior building materials, rooflines or window openings.

(d) Other significant changes to site access, landscaping, parking and site characteristics as determined by the Zoning Administrator.

B. Regulations Applicable to the D-1, D-2 and D-3 Districts.

(1) Building Characteristics in the D-1 District.

(a) The primary ground-floor entrance shall face a public street.

(b) A building facade shall occupy at least 95% of the front setback line.

(c) Clear, non-reflective windows shall comprise at least 75% of the front facade between two and eight feet above the sidewalk.

(d) All entries shall be recessed from the front building wall a minimum of three and a maximum of eight feet deep, and be no greater than eight feet in width.

(e) Any building that exceeds 25 feet in width along a public street shall be

designed to appear as a series of two or more buildings no wider than 25 feet each.

(f) Loading docks, overhead doors and other service entry areas are prohibited on street-facing building facades.

(g) Exterior storage and refuse facilities shall not adjoin a public street or sidewalk. Such facilities shall be fully screened on all sides by an opaque enclosure.

(2) Building Characteristics in the D-2 District.

(a) The primary ground-floor entrance shall face a public street.

(b) For commercial and recreational buildings: clear, non-reflective windows shall comprise at least 50% of the front facade between three and nine feet above the sidewalk.

(c) For residential buildings: clear, non-reflective windows shall comprise at least 20% of the front facade between three and nine feet above the sidewalk.

(d) Any building that exceeds 50 feet in width along a public street shall be designed to appear as a series of two or more buildings no wider than 50 feet each.

(e) A building facade shall occupy at least 60% of the front setback line.

(f) Loading docks, overhead doors and other service entry areas are prohibited on street-facing building facades.

(g) Exterior storage and refuse facilities shall not adjoin a public street or sidewalk. Such facilities shall be fully screened on all sides by an opaque enclosure.

(3) Building characteristics in the D-3 District.

(a) The primary ground-floor entrance shall face a public street.

(b) A building facade shall occupy at least 40% of the front setback line.

(c) Exterior storage and refuse facilities shall not adjoin a public street or sidewalk. Such facilities shall be fully screened on all sides by an opaque enclosure.

ARTICLE VI
Manufacturing District Regulations

§ 44-601. [Ch. 44, 6-1] Purpose and intent.

A. M-1 Restricted Manufacturing District. The intent of this M-1 Restricted Manufacturing District is to provide for industrial, warehouse, storage and transfer service uses with an absence of objectionable external effects in areas that are suitable for this type of development by reason of topography, relative location, and adequate utility and transportation systems. Compatibility with surrounding districts is further assured by limiting development to low industrial densities. Just as industrial uses are excluded from residential areas to promote public health, safety, and welfare, so are residential subdivision developments excluded from this district.

B. M-2 General Manufacturing District. The intent of this M-2 General Manufacturing District is to provide for the more intense types of industrial and manufacturing uses which generally exhibit higher levels of objectionable external effects. This district should not be located adjacent to residential districts, and its contiguity to commercial and business areas should, wherever possible, be avoided. Uses permitted in this district will provide for those basic industries needed to expand employment opportunities within the City.

Ord. No. 2022-99

§ 44-602. [Ch. 44, 6-2] Manufacturing District - Permitted and special uses.

Refer to Article XVI, Definitions, for clarity on the uses listed.

A. Land uses. Uses are allowed in the Manufacturing Districts in accordance with Table 602A. The following key is to be used in conjunction with the Use Table.

(1) Permitted uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Code.

(2) Special uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Article XVII, subject to compliance with all other requirements of this Code and contingent upon conditions of approval which may be imposed by the City.

(3) Uses not permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.

(4) Use regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Article XVII.

(5) Unlisted uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Article XVII to

establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table. **[Amended 12-16-2019 by Ord. No. 2019-89; 8-24-2020 by Ord. No. 2020-55]**

Table 602A: Manufacturing District - Permitted and Special Uses			
	M-1	**M-2**	**Reference**
Agricultural			
Apiary, Beekeeping	S		§ 44-1005
Aquaculture, Aquaponics, Hydroponics	P	P	
Animal Breeding Services	P[1]	P[1]	
Fish Hatcheries, Poultry Hatcheries	P[1]	P[1]	
Horticultural Services	P	P	
Urban Agriculture	P	P	
Urban Garden	P		
RESIDENTIAL			
Household Living			
Dwelling, Single-Family	P[2]	P[2]	Ord. No. 2022-99 (Term Change)
Dwelling, Multiple-Family	S	S	Ord. No. 2022-99 (Term Change)
INSTITUTIONAL			
Education			
Business and Trade Schools	P		
Government			
Animal Detention Facilities, w/o outdoor exercise area	P[1]	P[1]	
Animal Detention Facilities, with outdoor exercise area	S	S	§ 44-1004
Government Services and Facilities	P	P	
Military Bases, Depots, Communication Facilities	S	S	
Police Stations, Fire Stations	P	P	
Residential-Type			
Adult and Juvenile Detention Facilities	S	S	
Religious			
Place of Worship	S		
COMMERCIAL			
Aircraft and Automotive			
Car Wash	P[1]		§ 44-1009
Farm Machinery Sales and Service	P[1]	P[1]	
Towing Services		S	
Truck Stops, Truck Plazas	P[1]		
Truck Wash	P[1]	P[1]	
Vehicle Fueling Station	P	P	

Table 602A: Manufacturing District - Permitted and Special Uses			
	M-1	M-2	Reference
Vehicle Repair and Service	P[1]	P[1]	§ 44-1034
Vehicle Rental Service	P[1]	P[1]	
Vehicle Sales and Service	P[1]	S	
Vehicle Salvage and Wrecking Operations		P[1]	
Vehicle Storage	P[1]	P[1]	
Entertainment and Hospitality			
Entertainment and Exhibition Venues	S		
Sports and Fitness Establishments	S		
Offices			
Financial Services	P		
General Offices, Business or	P	P	
Ord. No. 2022-99 Materials Testing Facility	P	P	
Medical or Dental Office or Clinic	P		§ 44-1024
Ord. No. 2022-99 Medical Laboratory **Facility**	P	P	
Printing, Copying and Mailing Services	P	P	
Research Facility or Laboratory	S	P[1]	
Personal Services			
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.	P		
Instructional Studios	S		
Kennels, with no outdoor exercise areas	P[1]	P[1]	
Kennels, with outdoor exercise areas	S	S	
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.	P		
Pet Care: Grooming, day care, training	P	P	
Veterinary Office or Clinic	P[2]	P[2]	
Day-care centers	S		
Retail and service			
Adult-use cannabis dispensing organization	S	S	44-1039
Artisanal/Craft Production and Retail	P	P	
Auction Houses	P	P	
Bars, Taverns, Nightclubs	P[1]		
Building Materials and Supplies	P	P	
Catering Services	P	P	

Table 602A: Manufacturing District - Permitted and Special Uses			
	M-1	M-2	Reference
Manufactured and Mobile Home Sales	P	P	§ 44-1023
Medical Marijuana Dispensing Organization	P[1]	P[1]	
Proposed Change ~~Mobile Food and Beverage Vendor~~	~~P~~ Now accessory use in all Districts; not site specific (license based)	~~P~~	~~§ 44-1027~~
Proposed Change ~~Professional Office Furniture Sales~~	~~P~~ Combination of two uses, no definition. Accidental leftover?	~~P~~	
Restaurants, Cafeterias	P	P	
Retail Sales, General	S	S	
Retail sales, Outdoor	S		
Specialty Food Shops	S	S	
INDUSTRIAL			
Manufacturing and Production, Light			
Change for Discussion All Light Industrial Uses Not Listed Below	S	P	
Apparel, Fabrics, Leather Industries	P	P	
Commercial Cleaning and Repair Services	P	P	
Commercial Community Kitchen	P	P	
Crematories	S[3]	S[3]	
Electronics Assembly Plants	P	P	
Fabricated Metal Industries	S	P[1]	
Furniture and Fixtures Industries	P	P	
Lumber and Wood Industries	P	P	
Professional, Scientific Industries	P	P	
Secondary Manufacturing Assembly Plants	S	P	
Textile Mill Products Industries		P[1]	
Trade and Construction Services	P	P	
Wholesaling, Distribution and Storage Facilities	P[1]	P[1]	
Manufacturing and Production, Heavy			
Change for Discussion All Heavy Industrial Uses Not Listed Below		S	
Asphaltic Concrete Plants		S	§ 44-1006
Chemicals and Allied Industries		P	
Food and Kindred Industries	P[1]	P	
Paper and Allied Products Industry	P	P	
Petroleum Refining, Related Uses	S		
Mining, Quarrying		S	§ 44-1025
Primary Metal Industries		P	

Ord. No. 2022-99

Table 602A: Manufacturing District - Permitted and Special Uses			
	M-1	M-2	Reference
Recycling Facility		S	§ 44-1028
Refractory Lined Pit Burners		S	§ 44-1029
Refuse Disposal Services		S	§ 44-1028
Rubber and Plastic Industries		P	
Sanitary Landfills		S	§ 44-1028
Solid Waste Disposal Area		S	§ 44-1028
Stone, Clay, Glass Industries	S	P	
Waste Transfer Station		S	§ 44-1028
Storage and Equipment Yards			
Aircraft Storage	P	P	
Composting Facility	P	P	
Junkyards		S	§ 44-1022
Marine Craft Storage, Marinas	P[1]	P[1]	
Mini Warehouses	P[1]	P[1]	§ 44-1026
Parking Lot, Commercial	P[1]	P[1]	
Petroleum Products Storage	P	P	
Railroad Marshalling Yards		S	
Warehouse	P	P	
Transportation			
Bus and Taxi Passenger Terminals	P		
Heliports, Heliport Terminals	S	S	
Rail Passenger Terminals	P		
Utilities			
Electricity or Natural Gas Production Plant		S	
Nuclear Power Plant		S	
Private Solar Energy Conversion Facilities	P	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	P	§ 44-1036
Public or Private Utility Facility, Minor	P	P	
Radio, Television Stations-Towers	P	P	
Wireless Communication Facilities	P[4]	P[4]	§ 44-1037

Ord. No. 2022-99

Notes:

1. A Special Use is required when the use adjoins a Residential District boundary line.
2. The dwelling unit is allowed only as a residence for watchmen or caretakers of business or industrial uses permitted in that zoning district.
3. A structure containing a Crematory shall be located no closer than 300 feet to a Residential District boundary line.
4. The use is permitted as a principal use provided that the maximum height of the Wireless Communication Facility shall not exceed one foot for each two feet that such Wireless Communication Facility is set back from Protected Residential Property.

§ 44-603. [Ch. 44, 6-3] Site development standards.

A. Site Dimensions Table. All development in Manufacturing Districts must comply with the requirements in Table 603A and Diagram 603A unless otherwise expressly stated.

Diagram 603A

Lot Characteristics and Site Design

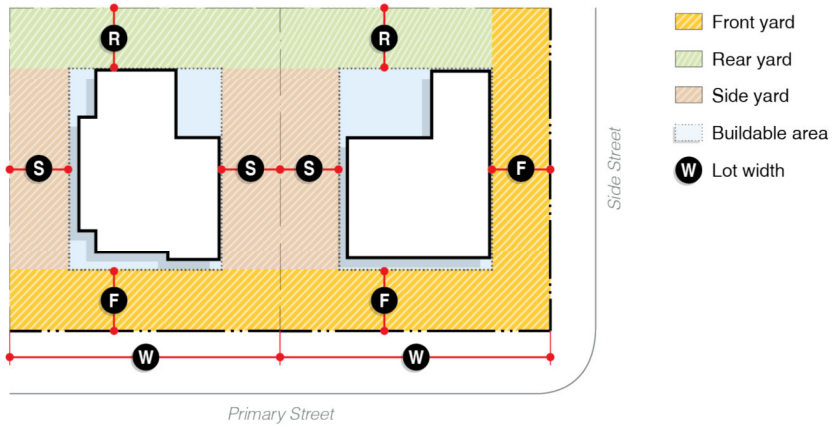


Table 603A: Bulk and Site Standards Manufacturing Districts

	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width	Min. Lot Area	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Floor Area Ratio	Max. Building Height	
District	(W)	(square feet)	Min.	Min.	Min.	(FAR)	Feet	Stories
M-1	—	—	20 feet	Min. 5 feet or 1/3 of building height for buildings > 3 stories		1.0	—	—
M-2	—	—	—	—		1.0	—	—

§ 44-604. [Ch. 44, 6-4] General standards.

A. On-site development standards. See Article IX, General Provisions, for various on-site development standards such as exterior lighting requirements, permitted encroachments, temporary sales, accessory uses and structures. In addition to the requirements of Article X and Table 603A, the following regulations apply.

(1) Lots zoned to the M-1 and M-2 District that are adjacent to a Residential District shall provide transitional front, side and rear yards as follows:

(a) Front Yard adjoining a Residential District: equal to the required front yard of the adjacent Residential District.

(b) Side Yard adjoining a Residence District: equal to 10 feet plus the required minimum side yard of the adjacent Residential District.

(c) Rear Yard: adjoining a Residential District equal to 15 feet plus the

required minimum rear yard of the adjacent Residential District.

(2) The transitional yard shall be maintained free of buildings, structures, parking facilities or outdoor storage; provided, however, that parking may be permitted in a rear transitional yard if such parking is located no closer than 10 feet from the rear property line and screening is provided pursuant to Article XIII.

B. Use provisions. See Article X, Use Provisions, for standards governing permitted and special uses.

C. Off-street parking and loading. See Article XII, Off-Street Parking and Loading, for standards governing off-street parking and loading.

D. Landscaping. See Article XIII, Landscaping and Screening, for standards regarding landscaping and screening.

E. Signs. See Article XIV, Signs, for standards governing the type, placement, size and scale of signs.

§ 44-605. [Ch. 44, 6-5] Development standards applicable to manufacturing districts.

A. Industrial transition areas.

(1) Purpose. Industrial Transition Areas are those areas where, due to changes in adjoining land use or infrastructure over time, the use and development of parcels has shifted from strictly manufacturing to a mix of lower intensity uses such as offices and commercial.

(2) Location. Parcels in the M-1 District that abut vacated rail right-of-way that has been converted to public use (e.g., Constitution Trail) or a Residential District are considered Industrial Transition Areas.

(3) Land use. Land uses permitted in said Industrial Transition Areas shall be those listed in the M-1 District. For residential, entertainment and hospitality, personal services and retail and service uses that require a special use, the Zoning Board of Appeals shall consider the following factors, in addition to the standards in § 44-1707.

Ord. No. 2022-99

(a) Whether the proposed use is compatible with adjoining uses and will not suffer from nor impose new conflicts associated with noise, lighting, odors, hours of operation, vehicle movement and pedestrian safety, or additional factors specific to the location of the special use.

(b) Whether an adequate buffer is provided on the subject property, with respect to physical separation and visual screening, to minimize visual impacts associated with adjoining lawful manufacturing uses.

(c) Whether noise attenuation, barriers, and other mitigating factors shall be installed in new buildings for noise sensitive uses (such as dwelling units and offices) to reduce noise impacts associated with adjoining lawful

manufacturing uses.

(d) Whether any site contamination exists on the subject property that may present an immediate or future impact to the health and safety of building occupants.

B. Outdoor storage.

(1) Outdoor storage of merchandise, materials, equipment, and vehicles is permitted in a Manufacturing District subject to the conditions provided herein.

(2) Screening for outdoor storage areas shall be provided in accordance with the provisions of § 44-1308B.

(3) Outdoor storage areas shall be paved with a hard surface consistent with the standards of § 44-1206F, except that storage of landscape and building materials associated with horticultural services and building materials and supply establishments may be placed on an alternate surface of gravel or decomposed granite.

ARTICLE VII
Public Interest District Regulations

§ 44-701. [Ch. 44, 7-1] Purpose and intent.

A. P-1 - University District. The intent of this P-1 University District is to allow for the establishment and expansion of colleges, universities, or theological schools. It shall be applied to property owned or leased and used by a college, university, or theological school for educational or education related activities. While providing for flexibility in land usage, this district recognizes the multi-building, multi-acre, traffic generating character of universities and the profound influence such a school may have upon surrounding neighborhoods and public facilities and utilities. This district is not to serve as a substitute for comprehensive, cooperative, campus community planning but rather it is intended to foster better relations and mutual problem solving between the two.

B. P-2 - Public Lands and Institutions District. The intent of this P-2 Public Lands and Institutions District is to allow for the establishment and maintenance of public uses, publicly-regulated uses and private uses that display an inherent relationship to the public interest. The creation of such a district shall be provided for parcels of substantial size where such community serving uses are necessary in order that adequate community services may be rendered and where, through proper site selection and planning, such uses are compatible with the surrounding area.

C. P-3 - Airport District. The intent of this P-3 Airport District is to allow for the establishment and maintenance of airports, heliports, and landing fields and to promote the compatible usage of land adjacent to such facilities.

§ 44-702. [Ch. 44, 7-2] Public Interest Districts - Permitted and special uses.

Ord. No. 2022-99

Refer to Article XVI, Definitions, for clarity on the uses listed.

A. Land uses. Uses are allowed in the Public Interest Districts in accordance with Table 702A. The following key is to be used in conjunction with the Use Table.

(1) Permitted uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Code.

(2) Special uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Article XVII, subject to compliance with all other requirements of this Code and contingent upon conditions of approval which may be imposed by the City.

(3) Uses not permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.

(4) Use regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Article XVII.

(5) Unlisted uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Article XVII to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table.

Table 702A: Public Interest Districts - Permitted and Special Uses				
	P-1	P-2	P-3	Reference
Agricultural				
Agricultural		P	P	
Apiary, Beekeeping	S	S	S	§ 44-1005
Chicken-Keeping	S	S		§ 44-1011
Horticultural Services			P	
Urban Agriculture	S	P	P	
Urban Garden	P	P	P	
RESIDENTIAL				
Household Living				
Dwelling, Single-Family	P			
Dwelling, Single-Family Attached	P	P		§ 44-1046
Dwelling, Two-Family	P			§ 44-1046
Dwelling, Multiple-Family	P	P		
Group Living				
Agency Supervised Homes	P	S		§ 44-1019
Agency-Operated Family Homes	P	P		§ 44-1019
Agency-Operated Group Homes		P		§ 44-1019
Barracks		P		§ 44-1019
Convents, Monasteries		P		§ 44-1019
Dormitories	P	P		§ 44-1019
INSTITUTIONAL				
Education				
Pre-schools	P	P		
Schools, public and private	P	P		
Boarding Schools	P	P		
Business and Trade Schools	P			
College and University Classrooms	P			

Proposed Change

Ord. No. 2022-99

Ord. No. 2022-99

Table 702A: Public Interest Districts - Permitted and Special Uses				
	P-1	P-2	P-3	Reference
College and University Facilities	P			
Government				
Animal Detention Facilities, w/o outdoor exercise area		P[1]		
Animal Detention Facilities, with outdoor exercise area		S		§ 44-1004
Courthouses		P		
Government Services and Facilities	P	P	P	
Military Bases, Depots, Communication Facilities		P	P	
Police Stations, Fire Stations	P	P	P	
Adult Detention Facility, accessory and attached to Police Station		S		
Religious				
Place of Worship	P[2]	P[2]		
Cemetery and Columbarium		P		§ 44-1010
Health				
Ambulatory Surgical Treatment Center	P			
Hospital or Medical Center	S	S		
Residential-Type				
Adult and Juvenile Detention Facilities		S		
Domestic Violence Shelter	P			
Assisted Living Facilities		P[1]		§ 44-1019
Other Institutional, Cultural				
Clubs and Lodges	P	S	P	§ 44-1012
Food Pantry	P	P		§ 44-1018
Libraries	P	P	P	
Museums and Cultural Institutions	P	P	P	
Zoos		P[1]		
RECREATIONAL				
Country Clubs, Golf Clubs, Golf Courses	S	P	P	§ 44-1016
Community Center	P	P	P	§ 44-1013
Fairgrounds, Agricultural Exhibits		S		§ 44-1017

Ord. No. 2022-99

Table 702A: Public Interest Districts - Permitted and Special Uses				
	P-1	P-2	P-3	Reference
Parks and Recreation Facilities	P	P	P	
Swimming Clubs	S		S	
Swimming Pools, Community	P	P		§ 44-1032
COMMERCIAL				
Aircraft and Automotive				
Aircraft Sales and Service			P	
Vehicle Fueling Station			S	
Vehicle Rental Service			P	
Vehicle Storage			P	
Entertainment and Hospitality				
Commercial Recreation Facilities	P			
Entertainment and Exhibition Venues	P	P[1]		
Sports and Fitness Establishments	P	S	P	§ 44-1013
Theaters and Auditoriums	P			
Lodging				
Bed-and-breakfast Establishments	S			§ 44-1007
Boarding and Rooming Houses	P			§ 44-1019
Hotel or Motel	S			§ 44-1021
Offices				
Financial Services			P[3]	
General Offices,			P	
Ord. No. 2022-99 Materials Testing Facilities	P	S		
Medical or Dental Office or Clinic	P			§ 44-1024
Printing, Copying and Mailing Services	P		P	
Recording and Broadcast Studios			P	
Personal Services				
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.				
Instructional Studios	P	S		
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.		S[4]	P[3]	
Day-care centers	P	S	P[3]	

Table 702A: Public Interest Districts - Permitted and Special Uses				
	P-1	P-2	P-3	Reference
Retail and Service				
Bars, Taverns, Nightclubs			P[3]	
Catering Services	P		P	
Drug Stores and Pharmacies	P		P[3]	
~~Mobile Food and Beverage Vendor~~	~~P~~	~~P~~	~~P~~	~~§ 44-1027~~
Restaurants, Cafeterias	P		P[3]	
Retail Sales, General			P[3]	
Specialty Food Shops			P[3]	
INDUSTRIAL				
Manufacturing and Production, Light				
Electronics Assembly Plants			P	
Trade and Construction Services			P[3]	
Wholesaling, Distribution and Storage Facilities			P	
Storage and Equipment Yards				
Aircraft Storage			P	
Composting Facility		P		
Marine Craft Storage, Marinas			P	
Mini Warehouses			P	§ 44-1026
Parking Lot, Commercial	P	P	P	
Petroleum Products			P	
Warehouse			P	
Transportation				
Airports and Landing Fields			P	§ 44-1003
Airport Passenger Terminals			P	
Bus and Taxi Passenger Terminals	P		P[3]	
Heliports, Heliport Terminals			P	
Rail Passenger Terminals			P[3]	
Utilities				
Commercial Solar Energy Conversion Facilities	P	P	S	§ 44-1031
Electricity or Natural Gas Production Plant			S	

Proposed Change

Now accessory use in all Districts; not site specific (license based)

Ord. No. 2022-99

Table 702A: Public Interest Districts - Permitted and Special Uses				
	P-1	P-2	P-3	Reference
Private Solar Energy Conversion Facilities	P	P	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	P		§ 44-1036
Public or Private Utility Facility, Minor	P	P	P	
Radio, Television Stations-Towers	P			
Wireless Communication Facilities	P[5]	S	P[5]	§ 44-1037

Notes:

1. A Special Use is required when the use adjoins a Residential District boundary line.
2. Maximum permitted height is 45 feet or three stories, whichever is lower.
3. The use is allowed only when located within an Airport Passenger Terminal.
4. The use is permitted only within a multiple-family building. The maximum permitted floor area for the use is 1,000 square feet.
5. The use is permitted as a principal use provided that the maximum height of the Wireless Communication Facility shall not exceed one foot for each two feet that such Telecommunication Antenna Facility is set back from Protected Residential Property.

§ 44-703. [Ch. 44, 7-3] Site development standards.

A. Site Dimensions Table. All development in Public Interest Districts must comply with the requirements in Table 703A and Diagram 703A unless otherwise expressly stated.

Diagram 703A

Lot Characteristics and Site Design

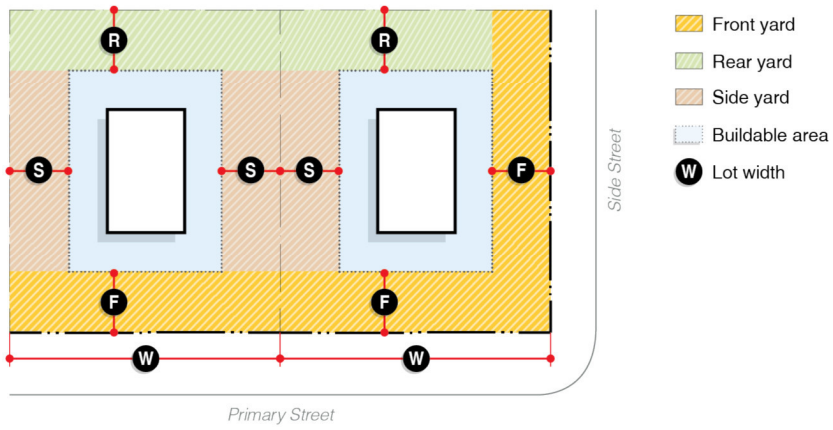


Table 703A: Bulk and Site Standards Public Interest Districts

	Lot Characteristics		Site Design			Development Intensity		
District	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F) Min.	Interior Side Yard (S) Min.	Rear Yard (R) Min.	Floor Area Ratio (FAR)	Max. Building Height Feet	Max. Building Height Stories
P-1	—	—	—	0 feet or min. 5 feet if side yard is provided; or 1/3 of building height for buildings > 3 stories		1.0	—	—
P-2	—	—	—	0 feet or min. 5 feet if side yard is provided; or 1/3 of building height for buildings > 3 stories		1.0	—	—
P-3	Comply with FAA Regulations and Airport Hazard Zoning Regulations for Bloomington-Normal Airport		125	125	125	Comply with FAA Regulations and Airport Hazard Zoning Regulations for Bloomington-Normal Airport		

§ 44-704. [Ch. 44, 7-4] General standards.

A. On-site development standards. See Article IX, General Provisions, for various on-site development standards such as exterior lighting requirements, permitted encroachments, temporary sales, accessory uses and structures. In addition to the requirements of Article IX and Table 703A, the following regulations apply.

(1) Lots in the P-1, P-2 and P-3 Districts that are adjacent to a Residential District shall provide a transitional front, side, or rear yard equal to the minimum required front, side or rear yard of the adjacent Residential District.

(2) Lots rezoned to the P-1, P-2 and P-3 Districts that are adjacent to a Residential District shall provide transitional front, side and rear yards as follows:

(a) Front Yard adjoining a Residential District: equal to the required front yard of the adjacent Residential District.

(b) Side Yard adjoining a Residential District: equal to 10 feet plus the required minimum side yard of the adjacent Residential District.

(c) Rear Yard adjoining a Residential District: equal to 15 feet plus the required minimum rear yard of the adjacent Residential District.

B. Use provisions. See Article X, Use Provisions, for standards governing permitted and special uses.

C. Off-street parking and loading. See Article XII, Off-Street Parking and Loading, for standards governing off-street parking and loading.

D. Landscaping. See Article XIII, Landscaping and Screening, for standards regarding landscaping and screening.

E. Signs. See Article XIV, Signs, for standards governing the type, placement, size, and scale of signs.

§ 44-705. [Ch. 44, 7-5] Development standards applicable to public interest districts.

A. Discontinuance of use. Whenever any use of property in a P-1 or P-2 district, whether permitted, special or nonconforming, is discontinued for a period of 18 months, the zoning classification of such property shall, as of the first day of discontinuance of such use, revert to the classification of R-1A. The City Council, upon application for a map amendment as provided in Article XVII of this Code, shall rezone such property to any appropriate zoning classification.

ARTICLE VIII
Zoning Overlay District Regulations

§ 44-801. [Ch. 44, 8-1] Purpose and intent.

A. S-1 Aircraft Noise Impact District. The intent of this S-1 Aircraft Noise Impact District is to restrict the development of noise sensitive uses in areas with unique noise impacts emanating from aircraft operations. This overlay district is generally defined as the area within the significant noise impact area around the Central Illinois Regional Airport. The Official Zoning Map establishes and defines the boundary of this overlay district and is made a part of this Code and is established to promote sound land use planning in noise impact areas through the consideration of federal guidelines, the objectives of the City's Official Comprehensive Plan, and past City action affecting land use near the Central Illinois Regional Airport.

B. (Reserved)

C. S-4 Historic Preservation District. The intent of this S-4 Historic Preservation District is to promote the-protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value. The City of Bloomington finds that the preservation of such resources is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of its citizens. This S-4 Historic Preservation District shall be applied as an overlay district in combination with underlying base zoning districts as shown on the Official Zoning Map. The purpose of the S-4 Historic Preservation District is to:

(1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of such districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;

(2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;

(3) Stabilize and improve property values;

(4) Foster civic pride in the beauty and noble accomplishments of the past;

(5) Protects and enhance the City's attractions to residents, home buyers, tourists, and visitors and shoppers, thereby supporting and promoting business, commerce and industry;

(6) Strengthen the economy of the City; and

(7) Promote the use of historic districts and landmarks for education, pleasure, and welfare of the people of the City.

§ 44-802. [Ch. 44, 8-2] S-1 Aircraft Noise Impact District.

A. Designation of district. The S-1 Aircraft Noise Impact District shall be established as an overlay zone in combination with all other zoning districts which lie within

the boundaries of Airport Noise Impact Zones as established by the Official Zoning Map. The boundaries of the Airport Noise Impact Zones are in part, determined by the location of 60 Ldn and 65 Ldn noise contours as designated on the Official Zoning Map. Where a specific noise contour is referenced as a determinant of the Airport Noise Impact Zone and/or the regulations pertaining thereto, said noise contours will be identified by the year in which the measurements and computations deriving said noise contour were made. If no date is associated with a noise contour, the reference is to the most recently derived noise contour of the given value.

B. Restricted uses.

(1) Areas within the 65 Ldn or higher Airport Noise Impact Zone. The development or construction of any new child care facility, residential building, structure designed or intended for overnight stay, or similar use as determined by the Zoning Administrator is prohibited.

(2) Areas between the 60 Ldn and 65 Ldn Airport Noise Impact Zones. Any new child care facility, residential building, structure designed or intended for overnight stay, or similar use as determined by the Zoning Administrator meet the following standards.

(a) Buildings shall be constructed with the following sound insulation materials to address the goal of achieving a day/night average maximum interior noise level of 45 dBa and to meet or exceed the following Sound Transmission Class (STC) ratings:

[1] Exterior walls shall meet the STC rating of at least 30;

[2] Exterior doors shall include a storm door or meet the STC rating of at least 28;

[3] Exterior windows shall meet the STC rating of at least 28;

[4] A minimum of R-30 insulation shall be provided in the attic with soffit wind baffles or the roof shall meet the STC rating of 39.

(b) Basement windows shall be insulated glass or have windows well covers;

(c) Fireplaces shall be provided with a well-fitted damper or fireplace doors if a damper is not allowed by City Code; and

(d) Central air conditioning shall be provided.

C. Variations. The City shall consult and obtain a written recommendation from the Bloomington-Normal Airport Authority prior to consideration of any variation to this § 44-802. The Construction Board of Appeals shall be responsible for reviewing variations of the provisions of this § 44-802 pertaining to building construction and/or acoustical insulation. The **Zoning Board of Appeals** shall be responsible for reviewing all other variations of this § 44-802 not pertaining to building construction or sound insulation.

Ord. No. 2022-99

§ 44-803. [Ch. 44, 8-3] (Reserved)

§ 44-804. [Ch. 44, 8-4] Historic Preservation District.

A. Applicability.

(1) The S-4 Historic Preservation District is an overlay district which shall be applied in combination with one or more underlying base zoning districts, as shown on the Official Zoning Map. The S-4 Historic District designation may be applied to a single property (historic landmark) or group of properties (historic district) subject to the nomination process defined herein.

(2) In an S-4 Historic Preservation District, all regulations of the underlying Agriculture District, Residence District, Business District, Manufacturing District or Public Interest District shall apply, except insofar as such regulations are in conflict with the special regulations applicable to the S-4 Historic Preservation District, and in the event of such conflict, the regulations governing such S-4 District shall apply. All permitted uses or special uses otherwise allowable in the underlying Agriculture District, Residence District, Business District, Manufacturing District or Public Interest District shall continue to be allowable uses except as provided in the designating ordinance, described in § 44-804B(6) of this Code.

B. Designation of Landmarks and Historic Districts.

Proposed Change

Same language as other processes; consistency.

Review needed by/for SHPO.

(1) Nominations. A nomination for a historic landmark or historic district may be submitted by ~~a member of t~~he Preservation Commission, owner of record of the nominated property or structure, or the City Council, ~~or any other person or organization~~ and shall be submitted ~~made~~ on a form ~~prepared~~ provided ~~by it~~ by the ~~Preservation Commission~~ Office of the Economic and Community Development

(2) Criteria for consideration of nominations. The Preservation Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, or area possesses sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration and meets one or more of the following criteria:

(a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois, or the United States of America (the Nation);

(b) Its location as a site of a significant local, county, state, or national event;

(c) Its identification with a person or persons who significantly contributed to the development of the City, County of McLean, State of Illinois, or the Nation;

(d) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

(e) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois, or the Nation;

(f) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;

(g) Its embodiment of design elements that make it structurally or architecturally innovative;

(h) Its unique location or singular physical characteristics that make it an established or familiar visual feature;

(i) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and/or

(j) Its suitability for preservation or restoration.

(3) Preservation Commission review procedures.

(a) Timeline. Within 45 days from receipt of a completed nomination, unless as extended by mutual agreement of the property owner(s), applicant and Director of Economic and Community Development, the Preservation Commission shall conduct a public hearing on the nomination of a historic landmark or historic district. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(b) Public notice. Notice of the public hearing shall be distributed at least 15 days prior to the hearing, in the following manner:

[1] By mail. Notice shall be sent by mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated historic landmark or historic district. Notice shall include the date, time, place, and purpose of the public hearing and a copy of the completed nomination form.

[2] Newspaper. Notice shall also be published in a newspaper having general circulation in the City. Notice shall include the date, time, place, and purpose of the public hearing and shall state the street address and legal description of the nominated landmark and/or the boundaries of a nominated historic district.

(c) Public hearing. Oral or written testimony concerning the significance of the nominated historic landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The owner of any nominated landmark or of any property within a nominated historic district shall be allowed reasonable opportunity to present evidence

regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.

(d) Recommendation and report. Within 60 days from receipt of a completed nomination, the Preservation Commission shall make findings and a recommendation as to whether the nominated landmark or historic district meets the criteria for designation and adopt such findings by resolution. The resolution shall be accompanied by a report to the Planning Commission containing the following information:

[1] Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;

[2] Explanation of the integrity or lack of integrity of the nominated landmark or historic district;

[3] In the case of a nominated landmark found to meet the criteria for designation:

[a] The significant exterior architectural features of the nominated landmark that should be protected;

[b] The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of § 44-1710 of this Code.

[4] In the case of a nominated historic district found to meet the criteria for designation:

[a] The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;

[b] The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of § 44-1710 of this Code.

[5] Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district;

[6] The relationship of the nominated landmark or historic district to the ongoing effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation;

[7] Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling unit size, floor area,

sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district;

[8] A map showing the location of the nominated landmark and the boundaries of the nominated historic district.

(e) Transmittal to Planning Commission. The recommendations and report of the Preservation Commission shall be sent to the Planning Commission within seven days following the vote on the resolution and shall be available to the public in the Office of the City Clerk.

(4) Planning Commission review procedures.

(a) Timeline. The Planning Commission shall schedule a public hearing on the nomination within 30 days following receipt of a report and recommendation from the Preservation Commission regarding a nomination for a historic landmark or historic district.

(b) Public notice. Notice of the public hearing shall be distributed at least 15 days prior to the hearing, in the following manner:

[1] By mail. Notice shall be sent by mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated historic landmark or historic district. Notice shall include the date, time, place, and purpose of the public hearing and a copy of the completed nomination form.

[2] Newspaper. Notice shall also be published in a newspaper having general circulation in the City. Notice shall include the date, time, place, and purpose of the public hearing and shall state the street address and legal description of the nominated landmark and/or the boundaries of a nominated historic district.

(c) Public hearing. Oral or written testimony concerning the significance of the nominated historic landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The Preservation Commission may present expert testimony or present its own evidence regarding the compliance of the nominated historic landmark or historic district with the criteria for consideration of a nomination set forth in § 44-804B(2). The owner of any nominated landmark or of any property within a nominated historic district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.

(d) Determination by Planning Commission. Within 30 days following close of the public hearing, the Planning Commission shall make a determination, based upon the evidence presented, as to whether the nominated historic landmark or historic district meets the criteria for

designation. Such a determination shall be passed by resolution of the Planning Commission and shall be accompanied by a report stating the findings of the Planning Commission concerning the relationship between the criteria for designation in § 44-804B(2) and the nominated historic landmark or historic district and all other information required by § 44-804B(3). A concurring vote by a 2/3 of Planning Commission members then holding office shall be required to reach a determination that a nominated historic landmark or historic district does not meet the criteria for designation.

(e) Notification of determination. Within seven days following determination by the Planning Commission, notice of the Planning Commission's determination, including a copy of the commission's resolution and report, shall be sent to the following parties:

[1] By regular mail to the nominator, owner of record of a nominated historic landmark and/or all owners of record of properties within a nominated historic district; and

[2] By hard copy or electronic transmittal to the City Council.

(5) Appeal. A determination by the Planning Commission that the nominated historic landmark or historic district does not meet the criteria for designation shall be a final administrative decision reviewable under the Illinois Administrative Review Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated historic district may within 30 days after the postmarked date of the notice of the determination, file with the City Clerk a written appeal to the Council pursuant to the procedures contained in Article XVII of this Code.

(6) City Council action.

(a) Timeline. The City Council shall act upon a nomination to designate a historic landmark or historic district, or upon an appeal of the Planning Commission's findings to deny such nomination, within 60 days after receiving the Planning Commission's recommendation or a written appeal. The Council's action to deny historic designation or to reject an appeal shall be made in the form of a resolution; approval shall be made by ordinance. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the Council's action.

(b) Public hearing. The City Council may hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in § 44-804B(4)(a) and (b).

(c) Notification of action. Within seven days following City Council action on a nomination or appeal, the City Clerk shall provide written notification of the action of the Council by regular mail to the nominator, the appellant, and/or the owner(s) of record of the nominated landmark or

all owners of record of properties within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the Council. A copy of each designation ordinance shall be sent to the Preservation Commission, the Planning Commission, and the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(d) Designating ordinance. Upon designation, the historic landmark or historic district shall be classified as a "S-4 Historic Preservation District" overlay district as provided in § 44-804A of this Code. The designating ordinance may prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; and sign regulations. Procedures for issuance of certificates of appropriateness are contained in Article XVII of this Code.

(7) Interim control. No building permit shall be issued by the Director of Economic and Community Development for alteration, construction, demolition, or removal of a nominated historic landmark or of any property or structure within a nominated historic district from the date of the Preservation Commission meeting at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare, or safety. Unless extended by mutual agreement of the property owner(s), applicant and Director of Economic and Community Development, the delay of the permit shall not exceed 180 days. **[Amended 10-26-2020 by Ord. No. 2020-69]**

C. Amendment and rescission of designation. Designation may be amended or rescinded upon application to the Preservation Commission and compliance with the same procedure and according to the same criteria set forth herein for designation.

D. Bulk regulations.

(1) The following bulk regulations shall apply to all permitted uses:

(a) Lot regulations. To the extent that existing lot patterns, including lot size, shape, and orientation, contribute to the character of the S-4 Historic Preservation District, it is the intent of this section to encourage continuation of such patterns and prevent future fragmentation of landownership in a manner that would be inconsistent with, or have adverse effects on such character.

[1] Lots or portions of lots existing at the time of the S-4 Historic Preservation District designation may be combined subject to compliance with the designating ordinance and the general

exceptions cited in § 44-902 of this Code.

[2] Lots or combinations of lots or portions thereof may only be reduced in width, depth, or area subject to compliance with the standards of the underlying zoning district, the designating ordinance, and approval by the Preservation Commission in accordance with the procedures defined in Article XVII of this Code.

(b) Yard regulations. Subject to the general exceptions cited by § 44-902 of this Code and compliance with the standards of the underlying zoning district and designating ordinance, front yards, side yards, rear yards or portions thereof may be reduced in width, depth, or area only upon approval by the Preservation Commission in accordance with the procedures defined in Article XVII of this Code.

(c) Height regulations.

[1] Existing buildings or structures. Subject to the general exceptions cited by § 44-902 of this Code and compliance with the standards of the underlying zoning district and designating ordinance, the height of buildings or structures or portions thereof may be altered only upon approval by the Preservation Commission in accordance with the procedures defined in Article XVII of this Code.

[2] New buildings or structures. Subject to the general exceptions cited by § 44-902 of this Code and compliance with the standards of the underlying zoning district and designating ordinance, a building or structure may be constructed, placed, or erected to any height above grade only upon approval by the Preservation Commission in accordance with the procedures defined in Article XVII of this Code.

(d) Building permit review. A building permit authorizing a new building or structure, or an exterior alteration or addition to any existing building or structure shall only be issued by the Director of Economic and Community Development subject to compliance with the designating ordinance and subsequent to review and approval by the Preservation Commission in accordance with the procedures defined in Article XVII of this Code. **[Amended 10-26-2020 by Ord. No. 2020-69]**

ARTICLE IX
General Provisions

§ 44-901. [Ch. 44, 9-1] Applicability.

The provisions of this article apply to all zoning districts unless indicated otherwise. If there is a conflict between this article and the individual requirements of a zoning district, the Zoning Administrator shall determine which standards control.

§ 44-902. [Ch. 44, 9-2] General exceptions.

A. Building under construction. Where a building permit has been lawfully issued prior to the effective date of this Code, and if construction is begun within six months of the effective date of this Code and is diligently pursued thereafter, said building or structure may be completed in accordance with approved plans and may be occupied by the use originally intended. If the building, structure, or use is nonconforming, it shall be subject to the provisions of Article XVII of this Code.

B. Uses and structures permitted in all districts. The following uses and structures are permitted in all districts: light poles, traffic regulatory signs, directional signs, street name signs, utility poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, railroad rights-of-way containing railroad tracks, public rights-of-way, temporary buildings at construction sites (but only for the period of such construction), gas regulator stations, sewage lift stations, water wells and pumping stations. However, installation of the above-mentioned uses shall conform with all other applicable federal, state, or local government rules and regulations not included in this Code.

C. Height regulation exemptions. The following uses and structures are exempted from the height regulations in this Code: spires, belfries, cupolas, water tanks, flag poles, public monuments, chimneys, ventilators, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Heights for signs shall be regulated by Article XIV of the Bloomington City Code, 1960, as amended.

D. Conversion back to single-family dwelling unit. It shall be permitted to convert any structure originally designed as a single-family dwelling unit back to a single-family dwelling unit in any zoning district established by Chapter 44 of the Bloomington City Code, 1960, as amended. Such conversion shall be allowed regardless of past or present use of the structure, or the zoning district which is regulating that use.

§ 44-903. [Ch. 44, 9-3] Lots and yards.

A. The minimum yard space required for one structure or use shall not again be considered as the yard of any other, including an adjoining structure or use.

B. Yards required by this Code shall be located on the same lot as the principal building or use.

C. No lot shall hereafter be divided into two or more lots and no part of a lot shall be sold unless all lots resultant lots conform to all yard regulations in the district where the lot is located.

D. The right-of-way of any public roadway, public alley or public accessway that exists by dedication, recorded easement, or prescription and that is located on the lot shall not be included as part of the required yard.

E. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

§ 44-904. [Ch. 44, 9-4] Permitted encroachments.

A. Permitted encroachments in required yards. No obstructions shall be allowed in any yard required by this Code. However, the following shall not be considered obstructions when located in the required yards specified, subject to the applicable requirements of Table 904 and this Article IX.

Table 904: Permitted Encroachments

Encroachment	Front Yard	Side Yard	Rear Yard
Accessory buildings and uses as provided in § 44-908 of this Code	No	No	Yes
Advertising signs, devices, and nameplates in accordance with the Sign Code of the Bloomington City Code	Yes	No	No
Agricultural use	Yes - Excludes buildings and structures		
Air conditioning compressors	Yes	Yes	Yes
Arbors, trellises, trees, shrubs, and similar landscaping features	Yes	Yes	Yes
Awnings or canopies	Projecting < 25% of required yard depth		
Bay windows	Projecting < 3 feet into required yard	No	Projecting < 3 feet into required yard
Canopies over fuel pumps; fuel, air, and water pumps in conjunction with automobile service stations	Set back > 13 feet from front lot line	No	No
Chimneys	Projecting < 2 feet into required yard		
Detached residential garages and carports	No	No	Yes
Eaves and Gutters	Yes	Projecting < 2 feet into required yard	Yes. Accessory structure eaves and gutters set back > 2 feet from lot line
Fences as provided in § 44-910 of this Code	Yes	Yes	Yes
Off-street parking facilities as provided in Article XII of this Code	No	Yes	Yes
Balconies, open porches, terraces, and decks	Projecting < 10 feet into required yard	No	Yes
Refuse storage areas (dumpsters)	No	Yes[1]	Yes
Sills, belt cornices, and other similar architectural features	Extending < 18 inches into required yard		

Table 904: Permitted Encroachments			
Encroachment	**Front Yard**	**Side Yard**	**Rear Yard**
Steps, fire escapes, ramps necessary for access	Yes	Yes	Yes
Swimming pools, tennis courts and other similar recreational facilities	No	No	Yes
Storage buildings permitted as accessory structures	No	No	Yes

Notes:

1. If in side yard, must be screened from view from public and/or private streets, as approved by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

B. Permitted encroachments in Public Rights-of-Way. In the D-1, D-2, and D-3 zoning districts, the following items are permitted to encroach into the public right-of-way. Any permitted encroachment in the public right-of-way shall be permitted to occupy a maximum of 50% of the sidewalk directly fronting the building or use with which they are associated, provided a minimum five feet wide clear path be maintained within the sidewalk running parallel to the fronting street. Any permitted encroachment shall not inhibit the ingress and egress from buildings nor the free flow of pedestrian traffic. **[Amended 8-24-2020 by Ord. No. 2020-55]**

(1) Planters.

(2) Hanging planters (attached to building, canopy, or awning).

(3) Sidewalk dining.

(4) Sidewalk sales (related merchandising and displays).

(5) Sandwich Board signs (as regulated in Article XIV of this code).

(6) Awnings and canopies (not more than four feet from the face of the building; eight feet min clearance above sidewalk).

§ 44-905. [Ch. 44, 9-5] Principal building on a lot.

A. In an R-1A, R-1B, R-1C, R1-H, or R-2 District, not more than one principal building shall be located on a lot of record or on a lot described by metes and bounds, except in the case of planned unit developments, special uses and developments that require site plan review, as provided in this Code.

B. In all other districts more than one principal building may be erected on a lot of record or on a lot described by metes and bounds provided that the yard, lot area, height and other requirements of this Code shall be met for each structure as though it were on an individual lot. **[Amended 8-24-2020 by Ord. No. 2020-55]**

§ 44-906. [Ch. 44, 9-6] Access for buildings.

Every building hereafter erected or moved shall be on a lot that abuts upon a public street, or with access to an approved private street, and all structures shall be so located

on lots as to provide safe and convenient access for servicing, rescue and fire protection vehicles and required off-street parking.

§ 44-907. [Ch. 44, 9-7] Temporary uses.

Ord. No. 2022-99

A Temporary sales on business premises, **including Farmers' Markets .**

Temporary sales of goods and services may be conducted on the premises of business in any nonresidential zoning district. The following requirements shall apply:

(1) No more than three temporary sales may be held on the same premises during any calendar year.

(2) The duration of temporary sales shall be limited to no more than three consecutive days and during the regular hours of the principal business.

(3) Sales by other than the principal business or principal use must be licensed by the City of Bloomington. Such license shall be granted upon submission of the following:

(a) Description of good/services to be sold;

(b) Duration of the sale including days and hours of operation;

(c) Site plan showing the location of the proposed sale approved by the Economic and Community Development Department; **[Amended 10-26-2020 by Ord. No. 2020-69]**

(d) Consent of the principal business owner/property owner;

(e) A surety bond of at least $3,000;

(f) A minimum of $20,000 in liability insurance;

(g) Arrangements for customer parking;

(h) Arrangements for use of the principal business or owner's sanitary facilities, if any;

(i) IRS Tax Identification No.;

(j) Illinois sales tax number;

(k) Contact information including name, mailing address, email address and telephone number of the home base and manager of the transient business or farmers' market;

(l) Plans for temporary structures that may be constructed/installed for the use of the transient business approved by the Economic and Community Development Department; and **[Amended 10-26-2020 by Ord. No. 2020-69]**

(m) A filing fee per location or annual fee as detailed in Appendix A of this Code shall be required.

(4) Sales by the principal business itself shall be without a license, bond, liability insurance, etc. except that the activity must be registered with the City of Bloomington. Said registration shall require the submission of the items described in § 44-907A(3)(a), (b), (c) and (l). **[Amended 8-24-2020 by Ord. No. 2020-55]**

(5) No sale on a parking lot shall be allowed that would obstruct traffic in the lot or reduce the number of parking spaces for the principal business below the number required by City Code.

(6) No sale shall be allowed closer than 15 feet from the front property line.

(7) No sale will be allowed that involves the use, placement, distribution, or sale of hazardous materials as determined by the Bloomington Fire Chief or his or her designee.

(8) No food sale for consumption shall be allowed without approval of the McLean County Health Department.

(9) Where businesses abut a residential property, no sale will be allowed without the installation of an opaque fence at least six feet high to protect said property from the activity.

(10) The premises must be cleaned of goods and debris after each sale.

Ord. No. 2022-99

(11) No sound system shall be used in conjunction with the sale.

(12) Farmers' markets

(a) A farmers' market may be permitted as an accessory use to any principal permitted use in B-1, B-2, C-1 District; or as an accessory to school, place or worship or other institutional use in all districts.

(b) In addition to the allowances for other temporary sales, Farmers' markets may be conducted on a weekly or semi-weekly basis for a period of up to six consecutive months during any calendar year.

Temporary seasonal sales. Temporary sales involving agricultural products such as fresh produce and Christmas trees which by their nature are seasonal, may be allowed on the premises of a business in any commercial zoning district for the entire season on a daily basis, weather permitting, without regard to the limitations in § 44-907A and B herein.

Temporary sales on vacant land. Temporary sales on vacant land may only occur in business and manufacturing districts. Such sales will only be permitted after the Director of Economic and Community Development has determined that the requirements of other applicable City Codes have been met. Such sales must conform to the requirements of this section with the additional requirement that sales may not be conducted between the hours of 9:00 p.m. and 8:00 a.m. **[Amended 10-26-2020 by Ord. No. 2020-69]**

D. Temporary sales conducted during a civic event recognized by the City of Bloomington shall not be subject to the provisions of this section.

Ord. No. 2022-99

F. Temporary outdoor storage (in shipping containers, storage containers, or in trailers) of materials for charitable and philanthropic organizations in business and manufacturing districts-shall be permitted in front, rear, and side yards subject to the following:

(1) Temporary outdoor storage shall be accessory to a principal permitted use;

(2) Such temporary outdoor storage shall not be in any way that impedes on-site circulation or the use of any required off-street parking or loading spaces required by Article XII of this Code;

(3) A permit for temporary outdoor storage use shall be obtained from the Economic and Community Development Director prior to the placement of any containers or materials. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(4) No containers shall be permitted on a site more than 90 days in any calendar year.

G. All signs and their use shall comply with 14 of the Bloomington City Code, 1960, as amended.

E. Temporary sales in residential districts. Temporary sales that may be allowed in residential districts are garage sales, auction sales of real estate or estate disposition, and neighborhood block sales that do not use public right-of-way. Such sales may be conducted so long as the following requirements are met:
(1) No more than three garage/group sales are held on the same premises during any calendar year.
(2) The duration of said sales is limited to no more than three consecutive days or two consecutive weekends and during daylight hours.
(3) A group sale shall be considered as having been conducted for and by all premises from which merchandise is contributed or on which merchandise is sold.
(4) The Director of Economic and Community Development or his or her appointee may enter any premises within the City of Bloomington to determine compliance with this section or any applicable Code and may terminate said sale if violations are found; and
(5) Sound systems can only be used at an auction.

§ 44-908. [Ch. 44, 9-8] Accessory buildings and uses.

On a lot devoted to a permitted principal use, customary accessory uses, and structures are authorized subject to the following standards and any applicable off-street parking requirements:

A. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, except as permitted hereafter.

B. Temporary storage for goods, products and materials associated with construction or remodeling of the principal structure shall not be subject to this section.

C. Accessory uses. In addition to those uses permitted in a zoning district, the following accessory uses are permitted subject to the provisions of this subsection and any additional requirements of Article X.

(1) Beekeeping.

(2) Chicken keeping.

(3) Columbariums, when accessory to a place of worship, cemetery, mortuary.

(4) Home occupations.

(5) Roadside stands.

Proposed Change

(6) Mobile Food and Beverage Vendors.

D. An accessory building or structure hereafter constructed, erected, placed,

structurally altered, enlarged, or moved, except as otherwise permitted in this Code shall be subject to the following bulk requirements:

(1) Except for roadside markets, no accessory building or structure shall be permitted within the required front or side yards of a lot, as set forth in each district.

(2) Accessory buildings and structures shall comply with Table 908.

Table 908: Accessory Building and Structures

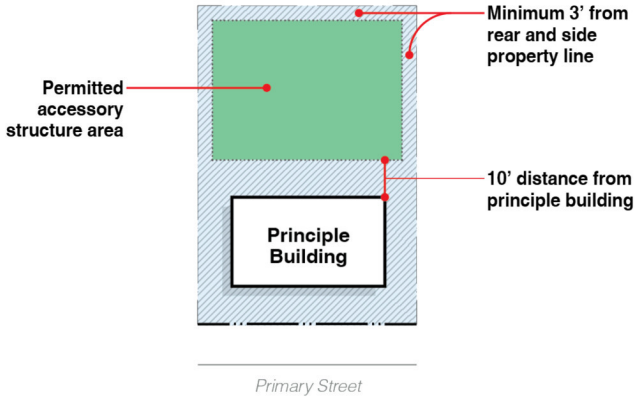
Districts	Maximum Height	Min. Distance to Principal Building Wall	Min. Distance to Rear or Side Lot Line	Min. Distance to Alley Right-of-Way Line
Agricultural Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Residential Districts	14 feet	10 feet	3 feet	10 feet*
Business Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Manufacturing Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Public Interest Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*

Notes:

* When the entrance to the accessory building for motor vehicles is parallel to and facing such alley right-of-way line

Diagram 908D(2)

Accessory Buildings and Structures



(3) The foregoing height limits shall not apply to telecommunication antennas and telecommunication antenna facilities authorized pursuant to Article IV and X of this Code.

(4) The gross floor area of an accessory building or structure to be constructed in any zoning district shall not exceed 30% of the rear yard, nor shall it exceed following:

(a) In an agricultural district or the R-1A, R-1B, R-1C, R1-H, R-2, or R-4 District, the gross floor area of an accessory building or structure shall not exceed the ground floor of the principal building or 1,000 square feet, whichever is less.

(b) In a business district, manufacturing district, public interest district or the R-3A or R-3B District, the cumulative gross floor area of an accessory building or structure in combination with the principal structure(s) shall comply with the gross floor area regulations for the zoning district in which it is located.

(5) No manufactured home, mobile home or other similar portable structure or building shall be used as an accessory building or structure except when used incidentally to and temporarily for construction operations of a principal use, notwithstanding the following exceptions:

(a) Storage buildings not exceeding 144 square feet in area and a maximum height of 12 feet to the highest point on such building are permitted as accessory buildings.

(b) It shall be unlawful to use any portable on demand storage container or other similar portable structure as an accessory building or accessory structure located on any Residential District lot except when used temporarily during construction or moving operations of a principal use. Such portable containers or structures shall be removed from such Residential District lot within 14 consecutive days after the date of completion of such construction or moving operations.

(6) An accessory building which is attached to a principal building shall be considered as a part of the principal building and shall be subject to all regulations governing the location of principal buildings.

(7) An accessory building which is not attached to a principal building may contain a rooming unit as an accessory use provided that such rooming unit is occupied by a person who is related by blood, adoption, or marriage to a member of the family occupying a single-family dwelling unit in the principal building or provided that such rooming unit is occupied by a household servant employed by the family occupying a single-family dwelling unit in such principal building.

(8) No incinerator shall be hereafter constructed, erected, placed, structurally altered, or enlarged in or within 2,000 feet of property in a residential district.

(9) Structures or buildings that are accessory to manufactured homes or mobile homes are not to be considered permanent and shall not have permanent foundations (foundations forty (40) inches or more below grade). These structures shall be constructed to be free standing and not apply any additional loading situations to the manufactured home or mobile home it is associated with.

Ord. No. 2022-99

E. Agricultural structures. Agricultural buildings that are used only for agricultural purposes, such as barns, silos, bins, sheds, and farm machinery sheds, shall not be considered accessory buildings or structures. Such buildings are principal agricultural buildings and shall comply with the district bulk standards.

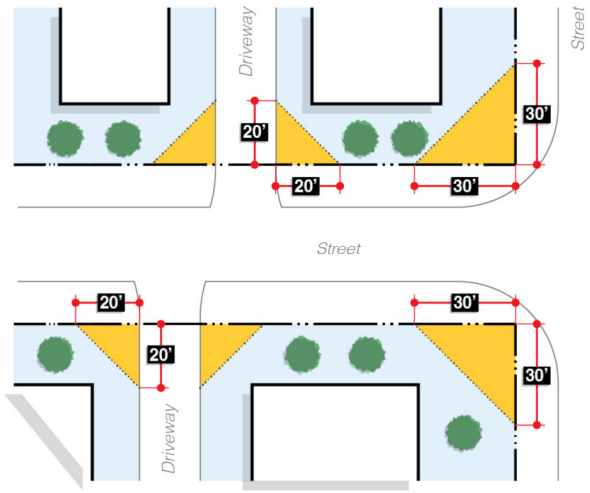
§ 44-909. [Ch. 44, 9-9] Sight distance requirements.

A. At street intersections. Except in the D-1 Central Business District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede visibility between a height of 2 1/2 feet and 10 feet above the top curbline grades of intersecting streets in the area defined by the visibility triangles illustrated in Figure 909.

B. At intersections of streets with alleys and driveways. Except in the D-1 Central Business District, at the intersection of a public or private street with a public or private driveway or alley no landscaping shall be placed, planted or allowed to grow in such a manner as to impede visibility between a height of 2 1/2 and 10 feet above the curb top elevation of the street within the visibility triangle area formed by the street curbline intersection with the driveway or alley pavement line, and with the hypotenuse (third side of the triangle) connecting said curbline and said pavement line at distances from their intersection equal to 20 feet along the driveway or alley line and 30 feet along the street curbline.

Diagram 909

Sight Distance Requirements



§ 44-910. [Ch. 44, 9-10] Fence regulations.

A. General standards. Fences erected in the City of Bloomington shall comply with the following standards.

(1) A fence may be located on a lot line and shall not protrude in full or in part onto any adjacent property or right-of-way.

(2) The fence height shall be measured from the established grade on the fence owner's property to the top most section of said fence.

(3) All supporting poles must be placed on the inside of the property where the fence is erected, and the finished side must face out away from the property.

(4) No fence shall be constructed in any drainage or access easement.

(5) No fence shall be constructed in any utility easement except wherein a release has been given in writing by the owner of the property absolving the City and/or utility company from all liability and damages resulting from the repair, inspection, maintenance, installation, or removal of utilities. The City and/or utility shall in no way be held liable for the replacement, repair, or re-erection of any fence within said easement.

B. Fence materials. **[Amended 8-24-2020 by Ord. No. 2020-55]**

(1) Residential fences shall not be constructed of wire mesh, barbed wire, electrically charged fence, or topped with sharp-edged material. In residential districts, chain line fence may be allowed in the rear yard when not visible from the street.

(2) In all other districts, except in the agricultural, manufacturing and P-3 Airport District, fences shall not be constructed of chain link, wire mesh, barbed wire, electrically charged fence, or topped with sharp-edged materials.

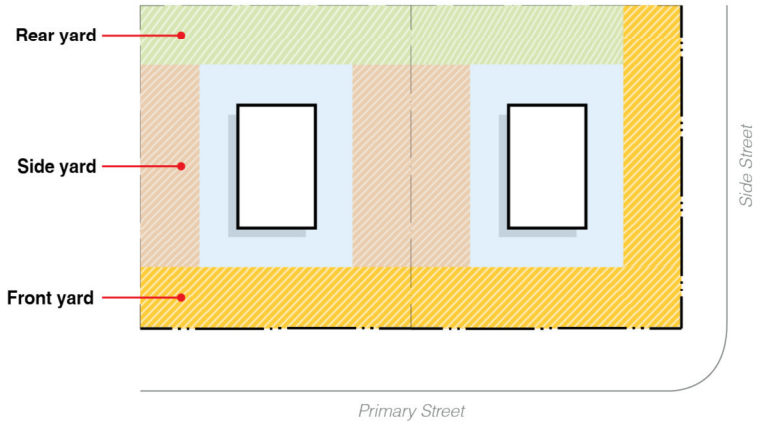
C. Maximum fence height.

Table 910: Maximum Permitted Fence Height

Districts	Front yard	Side Yard	Rear Yard
Agricultural Districts	8 feet	8 feet	8 feet
Residential Districts	4 feet	6 feet	6 feet
Business Districts	4 feet	8 feet	8 feet
Manufacturing Districts	—	—	—
Public Interest Districts	4 feet	8 feet	8 feet

Diagram 910

Maximum Permitted Fence Height



§ 44-911. [Ch. 44, 9-11] Performance standards.

A. Applicability. The standards of this section are applicable to all development in all zoning districts unless otherwise noted. All uses shall also comply with all applicable Federal and state requirements that exceed the requirements of this Code.

B. General standards. No land or building in any district shall be used or occupied in any manner that creates any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, noise or vibration, smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electrical or other substance, condition, or element in such a manner, or in an amount, as to affect adversely the surrounding area or adjoining premises.

C. Noise. The following standards shall apply to any zoning district, excluding the agricultural and manufacturing districts and the P-3 Airport District.

(1) The operation of a use shall be conducted in a manner so that the intensive sound level at the nearest property line of any occupied use (excluding such uses in the agricultural and manufacturing districts and the P-3 Airport District) shall not exceed the following noise standards (decibels) for the cumulative periods:

Table 911: Maximum Sound Level at Property Line (dB)	
Duration of Measurement (cumulative period)	**Noise Standard (Maximum dB)**
30 minutes in any hour	45
15 minutes in any hour	50

Table 911: Maximum Sound Level at Property Line (dB)	
Duration of Measurement (cumulative period)	**Noise Standard (Maximum dB)**
5 minutes in any hour	55
1 minute in any hour	60
Anytime	65

(2) If the ambient sound level within the adjacent use exceeds the applicable standard for the cumulative period specified above, the applicable standard for that period shall be the ambient sound level.

(3) Pure or impulsive noise. If the source of noise a use emits a pure or impulsive noise, the noise standards for the applicable period shall be reduced by five decibels.

(4) Measurement period and sound level meter. For the purposes of enforcement of these conditions a sound level meter which satisfies the requirement of the American National Standards Institute (ANSI) S1 4-1971 (or the most recent revision thereof) or Type S2A meter shall be used. The measurement period shall be anyone one-hour period during the hours of the use's operation.

D. Outdoor lighting.

(1) General. All outdoor lights used to illuminate any lot in any district shall be so shielded and directed as to protect adjacent lot or lots across the street from direct or reflected glare. **[Amended 8-24-2020 by Ord. No. 2020-55]**

(2) Submission requirements. Installation of outdoor lighting for any parking lot, proposed new development or similar purpose shall be subject to review and approval by the Department of Economic and Community Development. A qualified lighting professional must prepare all lighting plans. The lighting supplier shall be required to submit a certificate of compliance to the City to verify the installation of the proper light fixtures. Lighting plans must include the following information: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(a) A site photometric plan indicating foot-candle (fc) levels at grade to the lot lines.

(b) Specifications for all luminaires, poles, and luminaire mounting arms.

(c) Lighting specifications including foot-candle initial averages and maximum-to-minimum uniformity ratio.

(d) The location, mounting height, and lamp intensity for all exterior luminaires.

(e) An after-hours security lighting plan indicating not more than 33% of site lighting as operational.

(3) Architectural compatibility. Outdoor lighting fixtures must be compatible with the architectural elements located throughout the development.

(4) Prohibition against glare. Outdoor lighting shall not create a glare that may be hazardous for motorists, bicyclists, or pedestrians.

(5) Luminaires. To prevent unreasonable light pollution, any luminaire and all non-decorative, wall-mounted luminaires used for area light shall use a full cutoff luminaire positioned in a way that the cutoff effect is maximized. Tilt arms are prohibited. Decorative light fixtures must include internal louvers to minimize glare as determined by the Department of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(6) Facade and fascia lighting.

(a) The exterior building facade lighting power shall not exceed 0.25W/ft^2 of the illuminated area. Floodlights used for facade lighting may be no farther from the building than 1/3 the distance of the building height. The mounting height of such floodlights shall not exceed the building height.

(b) Fascia lighting is limited to the street-facing side of the building and may not exceed an area twice the size of the building sign.

(7) Lighting context. Outdoor lighting must consider existing light sources that impact the site and land uses that will be impacted by the lighting.

(a) To prevent lighting redundancy, proposed new outdoor lighting must factor in existing light affecting the site, including light provided by public light fixtures.

(b) All outdoor lighting shall have fixtures that shield affected residential areas and public rights-of-way from all direct light.

(8) Light levels, Luminaire Mounting Position, and Timing of Parking Areas.

(a) Lighting levels must meet a uniformity ratio of 20:1.

(b) Average initial light levels may not exceed 1 fc in residential zoning districts and shall not exceed 2 fc in other districts regulated by this Code.

(c) Light levels created by proposed new outdoor lighting shall not exceed 1 fc at the property line.

(d) Canopy lighting. All lighting under a canopy must be cutoff or recessed, with no lens dropping below the horizontal plane of the canopy. Light levels under the canopy shall not exceed an average of 25 fc at grade.

(e) Display areas. Areas dedicated to the display of merchandise may have an average light level of up to 10 fc.

(f) All exterior lighting shall be controlled by a photo sensor, time switch, or other automated mechanism that reduces exterior lighting when sufficient

daylight is available and extinguishes no more than one hour after the close of business, excluding lighting for security purposes. Site security lighting shall not exceed 33% of the luminaires. Individual luminaires may not increase intensity for security lighting purposes.

(9) Lighting exceptions.

(a) All temporary lighting needed by the police, fire, or other municipal departments, emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.

(b) All hazard warning luminaires required by law are exempt from the requirements of this article.

(c) Recreational and outdoor event lighting, for events permitted by the City of Bloomington, is exempt only during times the lighted area is in use. Nonetheless, recreational, and outdoor event lighting shall be installed in a way that minimizes light emitted above the horizontal plane of the luminaires and light spillover onto adjacent property.

(d) Lighting ordinarily associated with a holiday.

(e) Other exceptions as required by law.

ARTICLE X
Use Provisions

§ 44-1001. [Ch. 44, 10-1] Purpose and intent.

This section is established in recognition that certain uses cannot be treated in the same manner as other uses due to their very nature and unique characteristics which may affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the intent and purpose of this Code. These uses, when properly placed and regulated, can contribute to the economic vitality of the City. Therefore, it is the purpose of this section to specify minimum standards that shall be required for certain land uses, in addition to the underlying zoning district regulations, to improve compatibility with neighboring properties and discourage incompatible land uses.

§ 44-1002. [Ch. 44, 10-2] Applicability.

The provisions of this section apply to all Zoning Districts unless indicated otherwise. If there is a conflict between this section and the individual requirements of the Zoning District, the Zoning Administrator shall determine which standards control.

Proposed Change

Uses subject to a Special Use Permit may be granted a waiver to any use provision as part of that permit, subject to the approval of the reviewing Board or Commission.

§ 44-1003. [Ch. 44, 10-3] Airports and landing fields.

A. Site plan approval shall be required pursuant to § 44-1709 of this Code. In addition to the stated site plan requirements, the site plan shall also indicate approach zones, terminals, runways, taxi ways, aprons, and navigational aids.

B. Maximum height. Height of structures shall be limited in accordance with the requirements of the Federal Aviation Administration and the Illinois Department of Aeronautics for the class of airport or landing field being proposed.

C. The following minimum site and bulk standards shall be required for the siting and development of any airport and landing field.

Table 1003: Airport and Landing Field Bulk Standards

Lot Standards			Site Design Standards		
Min. Lot Area	Min. Lot Width	Min. Lot Depth	Front Yard	Side Yard	Rear Yard
28 acres	250 feet	1,900 feet	100 feet	50 feet	100

§ 44-1004. [Ch. 44, 10-4] Animal detention facilities, kennels with outdoor exercise.

A. Location. An animal detention facility or kennel with outdoor exercise facilities shall not be located closer than 300 feet to a residential district boundary line.

(1) Outdoor areas for animals (animal runs and animal exercise areas) shall be located at least 1,000 feet away from the lot line of any lot zoned in a Residential District, or at least 1,000 feet away from the lot line of any lot that

is the site of a dwelling.

B. Screening. In addition to the requirements of Article XIII of this Code, a six-foot high fence shall be required to enclose outdoor animal areas.

C. Building height. The maximum permitted building height shall be 15 feet or 1 1/2 stories, whichever is lower.

D. The following minimum site standards shall be required for the siting and development of any animal detention facility or kennel with outdoor exercise.

Table 1004: Animal Detention, Kennels with Outdoor Exercise Bulk Standards				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
1 acre	100 feet	20 feet	20 feet	20 feet

§ 44-1005. [Ch. 44, 10-5] Apiary, beekeeping.

No person shall maintain any colony of bees, including honey bees, combs, honey, pollen, and brood, anywhere in the City without complying with the following requirements.

A. It shall be the duty of any person keeping honey bees on property in the City to maintain each colony so as not to create a public nuisance.

B. Honey bee colonies shall, in addition, shall be maintained in the following condition:

(1) All honey bee hives shall be registered with the State Department of Agriculture as required by state law.

(2) Colonies shall be maintained in movable frames or similar hives located in the side or rear yard not less than 10 feet from any property lines.

(3) Adequate techniques, such as requeening, in handling bees, and adequate space in the hive shall be maintained to prevent unprovoked stinging 10 feet or more from the hive.

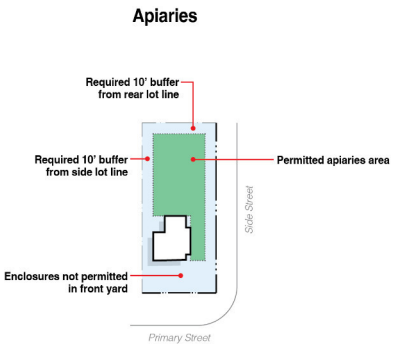
(4) Lots having less than one acre of land shall be permitted by right to have not more than two hives.

(5) Lots having equal to or greater than one acre of land shall be permitted to have not more than two hives plus as a conditional use one additional hive for every half acre of land over one acre.

C. Any other nest or colony of stinging insects, such as yellow jackets, hornets, other varieties of bees, and wasps, including Vespidae, in trees, buildings, underground, or in any other space, diseased colony of honey bees, or any colony of bees not maintained in compliance this Code, constitutes a public nuisance. The existence of a nest of wild bees of any type, not cultivated by any person and whose honey is

not harvested by any person, shall not constitute a violation of this Code unless such a nest is in such location as to present a threat of stinging to any person on any public street, sidewalk, mall, park, or public space, or to make any person in any parking lot, sidewalk, mall, park, or other public place, or to any person in any parking lot, sidewalk, or other place open to the public in a shopping center or other privately owned property open to the public, or to any person on adjacent private property.

Diagram 1005



§ 44-1006. [Ch. 44, 10-6] Asphaltic concrete plants.

A. Site plan approval shall be required pursuant to § 44-1709 of this Code. In addition to the stated site plan requirements, the site plan shall also indicate the following:

(1) Site size in acres;

(2) Existing physical features (e.g., drainage easements, streams, and wetlands);

(3) Proposed utilities showing size, types, location, and elevations (including water mains, valves, hydrants, sanitary sewers, and storm sewers);

(4) Location of refuse storage areas (dumpsters must be screened in accordance with Article XIII of this code);

(5) Outdoor lighting plan in accordance with § 44-911 of this Code;

(6) Finished grading plan of the site at two-foot contour intervals;

(7) Drainage plan indicating direction of run-off flow, location of catch basins and water retention and/or detention areas; land to be dedicated for streets and drainage right-of-way and easements for other utilities.

(8) Truck routing plan for routing truck traffic to the site of the proposed asphaltic concrete plant.

B. Location.

(1) The closest lot line for any proposed asphalt plant shall not be located closer than 2,000 feet from the lot line of any dwelling, daycare center, pre-school,

or school.

(2) The proposed site for the asphaltic concrete plant shall be contiguous to a major or collector street that has been improved (thickness and width) to accommodate the anticipated traffic in accordance with the Bureau of Local Roads and Streets Manual, published by the Illinois Department of Transportation.

C. Buffers and screening. In addition to the requirements of Article XIII of this Code, the following minimum buffers and screening shall be required.

(1) A wire mesh or chain link fence shall be installed and maintained around the perimeter of the site. Said fence shall have a height of at least eight feet. All gates in the fence shall be locked whenever workers are not present.

(2) An asphaltic concrete plant shall provide a natural buffer strip at least 100 feet wide between the working edge of any plant operation and any property boundary. Natural buffer strip materials may consist of earthen berm of not less than six feet in height, hedges, rows of trees or other fast-growing foliage that will obscure the sight of the asphalt plant's operation.

D. Paving. The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least 25 feet wide wherever any continuous truck traffic is proposed. With the exception of equipment and material storage areas, all parking and traffic circulation areas shall be hard surfaced.

E. Operational standards.

(1) The hours of operation for any asphaltic concrete plan shall be limited to 6:00 a.m. to 7:30 p.m., Monday through Saturday. Expanded hours and Sunday operations may be allowed on an occasional basis (no more than 12 projects per year) provided such operation is registered in advance with the City of Bloomington. During expanded hours and Sunday operation, the City Manager may impose additional restrictions reasonably related to health, safety, and welfare.

(2) The proposed asphaltic concrete plant shall comply with all applicable regulations of the Illinois Environmental Protection Agency. Any proposed hot-mix asphaltic concrete plant shall be equipped with a fabric filter (bag house) operating consistently with a six to one (or less) air-to-cloth ratio or operate a wet collector which can achieve a pressure drop of 16 inches or more or provide an air pollution control system of at least equal quality.

(3) Any automatic batching equipment and recording equipment on a hot-mix asphaltic concrete plant shall meet the requirements currently set forth in the American Society for Testing Materials (ASTM) designation 995, Paragraphs 3.6 and 3.7. Any proportioning, sampling, and recording equipment on and at a continuous-mix asphaltic concrete plant on the platform scales shall meet the requirements currently set forth in the ASTM Designation 995, Paragraphs 4.5 and 4.6.

F. Noise. In addition to the standards of § 44-911D, low frequency noise readings from the burners at a hot-mix asphaltic concrete plant shall not exceed the following:

(1) Ninety decibels adjacent to such asphaltic concrete plant's lot line;

(2) Eighty-five decibels at 100 feet from such lot line; and

(3) Seventy-eight decibels at 300 feet from such lot line.

G. The following minimum lot standards shall be required for the siting and development of any asphaltic concrete plant.

Table 1006: Asphaltic Concrete Plants - Lot Standards	
Min. Lot Area	**Min. Lot Width**
10 acres	200 feet

§ 44-1007. [Ch. 44, 10-7] Bed-and-breakfast establishments.

A. Any structure devoted to a bed-and-breakfast use shall have been constructed prior to 1950.

B. A building floor plan shall be filed as part of the application for a bed-and-breakfast establishment. The floor plan shall designate areas to be used as a bed-and-breakfast establishment and identify all means of egress, all required exit signs, all rest room facilities, and all food preparation/storage areas.

C. Parking. Off-street parking spaces required pursuant to Article XII of this Code shall be located on the same lot as the bed-and-breakfast establishment, on an abutting lot, or on a lot not more than 500 feet from the site of such bed-and-breakfast establishment.

D. The following minimum site and bulk standards shall be required for the siting and development of any bed-and-breakfast establishments.

Table 1007: Bed-and-breakfast Establishment - Bulk Standards		
Min. Lot Area	**Min. Lot Width**	**Max. Building Height**
7,000 square feet	60 feet	3 stories

§ 44-1008. [Ch. 44, 10-8] Camps and camping establishments.

A. Location. Camps and camping establishments shall be so located as to have direct access from an improved major or collector roadway to avoid routine ingress and egress through residentially developed neighborhoods.

B. Repair work for travel trailers, recreational vehicles and similar vehicles shall be permitted only for the maintenance and upkeep of those vehicles housed on the property and shall be carried on only within a completely enclosed building.

C. Permanent drinking and toilet facilities shall be provided in accordance with applicable regulation of the McLean County Health Department.

D. Building height. The maximum permitted building height shall be 15 feet or one story, whichever is lower.

E. The following minimum site and bulk standards shall be required for the siting and development of any camp or camping establishment.

Table 1008: Camps and Camping Establishments Bulk Standards				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10 acres	300 feet	20 feet	20 feet	20 feet

§ 44-1009. [Ch. 44, 10-9] Car washes.

A. Location. The facility shall be located on a major or collector street or a frontage road and shall not be located closer than 120 feet of a Residential District boundary.

B. Site standards.

(1) All car washing facilities shall be within either a completely enclosed building or a canopy structure.

(2) Curb cuts shall not be permitted within 10 feet of a side lot line.

(3) The sale of automobile accessories not directly related to the cleaning of automobiles shall be prohibited.

C. Parking. All exterior lighting shall comply with § 44-911 and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandles.

D. Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower.

E. The following minimum site and bulk standards shall be required for the siting and development of any car washes.

Table 1009: Car Washes Bulk Standards				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10,000 square feet	70 feet	40 feet	15 feet	20 feet

§ 44-1010. [Ch. 44, 10-10] Cemeteries.

A. Site standards.

(1) Water shall be available within 400 feet of all grave sites.

(2) Trash receptacles shall be located adjacent to internal roadways and not more than 200 feet apart. No rubbish shall be allowed to accumulate upon the site except within trash receptacles.

(3) Storage of any maintenance machinery or other equipment shall be within completely enclosed buildings.

(4) In addition to compliance with § 44-911, any security lighting on premises shall be no greater than a residential streetlight (4,000 lumens) and shall have fixtures that direct light away from adjoining residential structures.

B. Roadways. All roadways shall be a minimum of 14 feet in width and shall have a minimum surface improvement of Class A-3 or equivalent with an eight inch crushed aggregate base.

C. Building or structure height. The maximum permitted height for any building or structure shall be 30 feet or two stories, whichever is lower.

D. The following minimum lot standards shall be required for the siting and development of any cemetery.

Table 1010: Cemetery Lot Standards

Min. Lot Area	Min. Lot Width
2 acres	150 feet

§ 44-1011. [Ch. 44, 10-11] Chicken-keeping.

A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling**, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools,** the keeping of up to four chickens may be permitted **with Special Use Permit** as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended. Ord. No. 2022-99

B. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling**, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools,** the keeping of up to four chickens may be permitted **with Special Use Permit** plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended. Ord. No. 2022-99

C. Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.

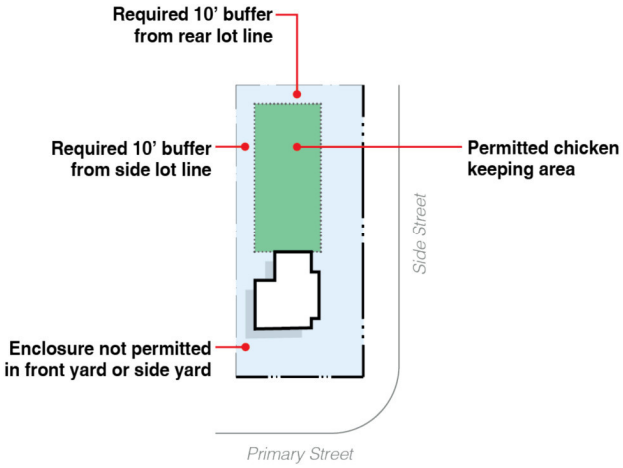
D. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

E. Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of 10 feet from all property lines.

F. All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.

Diagram 1011

Chicken Keeping



§ 44-1012. [Ch. 44, 10-12] Clubs and lodges.

A. The following minimum lot standards shall be required for the siting and development of any club or lodge.

Table 1012: Clubs and Lodges Standards	
Min. Lot Area	**Min. Lot Width**
10,000 square feet	70 feet

§ 44-1013. [Ch. 44, 10-13] Community centers, sports and fitness establishments.

A. Fencing. A forty-two inch high wire mesh or chain link fence shall enclose children's outdoor play areas.

B. The following minimum lot standards shall be required for the siting and development of any community center or sports and fitness establishment.

Table 1013: Community Centers, Sports and Fitness Lot Standards	
Min. Lot Area	**Min. Lot Width**
20,000 square feet	100 feet

§ 44-1014. [Ch. 44, 10-14] Community reception establishments.

A. Location. In residential areas, a community reception establishment shall be separated from other community reception establishments by a minimum distance (from lot line to lot line) of 600 feet.

B. Any structure devoted to a community reception establishment use shall have been

constructed prior to 1950.

C. A community reception establishment shall be occupied by the owner and/or operator of the establishment.

D. A building floor plan shall be filed as part of the application for a community reception establishment. The floor plan shall designate areas to be used as a community reception establishment and identify all means of egress, all required exit signs, all rest room facilities, and all food preparation/storage areas.

E. Operational standards.

(1) At least 24 hours prior to any event, the owner/operator of the reception establishment shall transmit written notice to the Director of Economic and Community Development stating the date, hours of operation, and expected maximum occupancy. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) The maximum permitted occupancy for an event is 30 persons (exclusive of those persons staying at the bed-and-breakfast portion of the premises), and there shall be no more than three events per week. However, events with occupancy of up to 100 persons (exclusive of those persons staying at the bed-and-breakfast portion of the premises) may be permitted for not more than two events per month subject to a limitation of 18 such events per calendar year.

(3) Indoor social events shall not begin prior to 9:00 a.m. nor end after 10:00 p.m., prevailing time.

(4) Outdoor social events shall not begin prior to 9:00 a.m. nor end after 9:00 p.m., prevailing time.

(5) Outdoor amplified sounds are prohibited.

F. Any articles offered for sale at community reception establishments must be arranged in a home like manner; the volume of such sales must be such that the sales are incidental to the principal use of the premises as a community reception establishment.

G. Parking.

(1) Valet parking shall be required for all community reception establishment events accommodating more than 30 people if onsite parking is not available.

(2) A plan showing the parking lot configuration shall be filed and kept current, regardless of whether the parking is on site or off site.

(3) Off-street parking spaces required pursuant to Article XII or this Code shall be located on the same lot as the community reception establishment, on an abutting lot, or on a lot not more than 500 feet from the site of the community reception establishment.

(4) If the parking is provided off-site, the parking lot must be owned by the owner

of such community reception establishment or controlled by a five-year lease on such lot. If the off-site parking lot is leased, activities at the community reception establishment must be scheduled at such times so that activities taking place on the premises of the parking lot not interfere with the ability of the community reception establishment to provide adequate parking as required by this subsection.

H. The following minimum lot standards shall be required for the siting and development of any community reception establishments.

Table 1014: Community Reception Establishment - Lot Standards	
Min. Lot Area	**Min. Lot Width**
16,500 square feet	100 feet

I. Special use permit.

(1) The special use permit for a community reception establishment, if approved by the City Council, shall be issued to the owner thereof, but shall not transfer to a subsequent owner upon the sale of such premises unless and until a new special use permit for such establishment is approved by the City Council.

(2) All special use permits for community reception establishments shall be reviewed on an annual calendar year basis by the Zoning Board of Appeals in liaison with the Director of Economic and Community Development and the City Fire Marshal to insure compliance with the City Code. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Ord. No. 2022-99

§ 44-1015. [Ch. 44, 10-15] Commercial recreation facilities.

A. Arcades and Amusement Centers shall meet the following standards.

(1) Location.

(a) The lot line of an arcade or amusement center shall not be located any closer than 500 feet to the lot line of a lot occupied by place of worship, elementary or secondary school, or any establishment principally engaged in the business of selling or dispensing alcoholic beverages on the premises.

(b) The lot line of an arcade or amusement center shall not be located closer than 1,000 feet to the lot line of any other lot that is occupied by an arcade or amusement center.

(c) The arcade or amusement center shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses.

(2) Operational standards.

(a) It shall be unlawful for any person to set up for operation or allow

operation of more than 60 such mechanical, electronic and/or video type game machines in anyone location or establishment in the B-2, D-1, D-2 and D-3 Districts and more than 140 such machines in anyone location or establishment in the B-1 District. **[Amended 8-24-2020 by Ord. No. 2020-55]**

(b) The establishment shall maintain a minimum of six inches of space between each game machine.

(c) The game room shall be arranged so that there is a management attendant within the room or such that management attendants outside the room can easily see and supervise the interior of the room.

(d) The hours of operation for an arcade or amusement center shall be limited to 10:00 a.m. to 11:00 p.m., Sunday through Thursday and 10:00 a.m. to 12:00 p.m., Fridays and Saturdays.

(3) The establishment shall be posted "No Smoking," shall not contain cigarette vending machines, shall be supervised by an adult over 21 years of age.

(4) The establishment shall maintain a minimum level of illumination of at least 20 footcandles.

(5) Noise. The arcade or amusement center shall be separated from adjacent occupiable areas by a wall assembly extending from the floor to the roof, with a sound transmission class (STC) of at least 56, per American Society of Testing and Materials (ASTM) designations E-90 or E-336, and E-413.

(6) The following minimum site and bulk standards shall be required for the siting and development of any arcade or amusement center.

Table 1015A: Arcade and Amusement Center Bulk Standards

Min. Lot Area	Min. Lot Width	Max. Floor Area Ratio
10,000 square feet	80 feet	0.38

B. Race tracks and Go-Kart Tracks shall meet the following standards.

(1) Location. Race tracks and go-kart tracks shall be located adjacent to major streets or adjacent to collector streets which are within 1/4 mile of major streets and shall not be located within 500 feet of a Residential District boundary.

(2) Site access. Vehicular entrances and exits must be separated by a distance not less than 200 feet.

(3) Buffering and screening. In addition to the requirements of Article XIII of this Code, wire mesh or chain link fence at least six feet in height shall be installed around the perimeter of the track.

(4) The following minimum site and bulk standards shall be required for the siting

and development of any race track or go kart track.

Table 1015B: Race Track and Go Kart Track Bulk Standards				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10 acres	300 feet	100 feet	100 feet	100 feet

C. Shooting Galleries and Rifle Ranges shall be located within completely enclosed buildings and have the favorable recommendation of the Chief of Police of the City.

§ 44-1016. [Ch. 44, 10-16] Country clubs, golf clubs, golf courses.

A. A solid wood, masonry, or wire mesh fence at least six feet in height shall be provided at the end of all fairways if they are in line with a dwelling or a public right-of-way.

B. Building height. The maximum permitted building height shall be 35 feet or two stories, whichever is lower.

C. The following minimum lot standards shall be required for the siting and development of any country club, golf club or golf course.

Table 1016: Country Club, Golf Club, Golf Course Lot Standards		
Min. Lot Area	Min. Lot Width	Min. Lot Depth
60 acres	300 feet	2,200 feet

§ 44-1017. [Ch. 44, 10-17] Fairgrounds, agricultural exhibits.

A. Location. Access shall be located on a major or collector street or road.

B. Paving. All roadways shall have a minimum surface improvement of Class A-3 or equivalent with an eight inch crushed aggregate base.

C. No motor vehicle racetracks shall be erected or operated.

D. Building or structure height. The maximum permitted height for any building or structure shall be 50 feet or four stories, whichever is lower.

E. The following minimum site and bulk standards shall be required for the siting and development of any fairground or agricultural exhibit.

Table 1017: Fairgrounds, Agricultural Exhibits Bulk Standards				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
25 acres	500 feet	150 feet	100 feet	100 feet

§ 44-1018. [Ch. 44, 10-18] Food pantry.

A. Location. No structure containing a food pantry shall be located within 300 feet of an R-1A, R-1B or R-1C district.

B. The food pantry activity shall not occupy more than 25% of the floor space of any story of the structure containing the food pantry activity.

C. Operational standards.

(1) All deliveries of goods to the food pantry and distribution of goods by the food pantry shall be conducted through the rear door. If no such rear door is present or useable, an appropriate side door may be approved.

(2) Hours of distribution shall be between 9:00 a.m. and 6:00 p.m., Monday through Friday. Should an individual client experience an emergency outside of those hours or on the weekend, the food pantry may act to help that client.

D. Screening. In addition to the requirements of Article XIII of this Code, the following screening standards shall apply.

(1) All parking, delivery (receiving) and distribution areas shall be screened.

(2) Screening shall be placed along those lot lines, of the lot containing the food pantry, which are contiguous to lots zoned R-2 or R-3A.

(3) All screening shall consist of a six-foot high opaque fence.

E. Parking. Off-street parking requirements will be based upon the principal use of the structure containing the food pantry.

F. Signage. The food pantry shall erect a sign, the size and place of which are governed by Article XIV of this Code, which clearly identifies the structure containing the food pantry.

§ 44-1019. [Ch. 44, 10-19] Group living facilities, boarding and rooming houses, homes for the aged.

A. Location. Agency-Supervised Homes and Agency-Operated Group Homes shall be separated from another facility of the same use by a distance of at least 1,000 feet.

B. Distribution. No more than three Agency-Operated Family Homes shall be located on a block face (both sides of a street between its intersection with two other consecutive streets).

C. Parking.

(1) Access to off-street parking areas shall not be provided from an alley unless the alley constructed of all-weather pavement and has been designated by the City as one-way.

(2) Off-street parking shall be fully screened along the rear of the property.

(3) All parking and maneuvering shall be provided on-site; said parking shall be illuminated with lighting fixtures that comply with § 44-911D and that shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandles.

D. The following minimum site and bulk standards shall be required for the siting and development of any Group Living Facility, boarding, or rooming house, or home for the aged.

Table 1019: Group Living Facilities, Boarding and Rooming Houses, Homes for the Aged Site and Bulk Standards

Use	Min. Lot Area	Min. Lot Width
Home for the Aged	400 square feet per occupant plus 2,000 square feet for supervisor's dwelling where applicable	60 feet
Group Living Facility; Boarding and Rooming Houses	400 square feet per occupant plus 2,400 square feet for supervisor's dwelling where applicable	60 feet

§ 44-1020. [Ch. 44, 10-20] Home occupations.

A. Home occupations. A home occupation or profession shall be permitted as an accessory use in the A and R Districts subject to the following restrictions: **[Amended 8-24-2020 by Ord. No. 2020-55]**

(1) A home occupation shall be conducted entirely within a dwelling unit or an accessory building and shall occupy no more than 25% of the gross floor area of the building or 500 square feet, whichever is less;

(2) The existence of the home occupation shall not be apparent beyond the boundaries of the site;

(3) No outdoor storage shall be permitted, except in the Agricultural District where such outdoor storage is customary and incidental to the use of the land;

(4) No special outside entrance to the dwelling shall be required or provided in connection with the home occupation;

(5) No sign shall be permitted for the business associated with the home occupation;

(6) Except for activities associated with the principal permitted use of the site or a permitted accessory roadside stand, a home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount of the district;

(7) Excluding the Agricultural District, not more than one truck, with a maximum capacity of one ton, incidental to a home occupation may be kept on the site. The number of parking spaces available to a dwelling unit housing a home occupation shall not be reduced to less than the number required pursuant to Article XII, Off Street Parking and Loading;

(8) Except for activities associated with the principal permitted use of the site or a permitted accessory roadside stand, no commodities shall be sold, nor shall any services be rendered, that require receipt and delivery of merchandise, goods, or equipment by other than ordinary mail or parcel post;

(9) No person other than a resident of the dwelling unit shall be employed on-site or report to work at the site in the conduct of the home occupation;

(10) A barber shop, beauty shop, or other personal service business shall occupy no more than 300 square feet or 25% of gross floor area within a structure, whichever is less. Such home occupation shall be limited to serving one customer at a time by appointment only;

(11) Automobile based businesses including but not limited to towing, taxi, and repair services shall not be permitted as a home occupation.

(12) The provisions of this section shall not apply to home-based daycare facilities licensed by the Illinois Department of Children and Family Services.

§ 44-1021. [Ch. 44, 10-21] Hotel or motel.

A. The following minimum site and bulk standards shall be required for the siting and development of any hotel or motel.

Table 1021: Hotel and Motel Bulk Standards

Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
20,000 square feet or 1,000 square feet per guest room, whichever is greater	100 feet	40 feet	40 feet	40 feet

§ 44-1022. [Ch. 44, 10-22] Junkyards.

A. Location. No junkyard shall be located closer than 500 feet to a Residential District boundary line or to the property line of a day care, school, place of worship, community center, home for the aged or hospital.

B. Site access. The site must have direct access to a major street or highway; vehicles

shall not go through residential areas to access the site. There shall be only one point of ingress and egress.

C. Paving. The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least 25 feet wide. All interior roads, driveways, parking lots and loading and unloading areas not required to be paved shall be constructed of an all-weather surface and be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary to limit the nuisance caused by wind-borne dust.

D. Buffers and screening. In addition to the requirements of Article XIII of this Code, the following requirements shall apply:

(1) A junkyard shall be enclosed by a solid, opaque perimeter fence, the material of which shall be required to be approved by the Director of Economic and Community Development, at least eight feet in height. All gates in the fence shall be locked whenever workers are not present. The fence shall be of uniform height, uniform texture, and color, and shall be maintained to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) In addition to the fence, an opaque vegetative screen shall be provided around the perimeter of the site to provide year-round buffering to a height of at least six feet tall within four years of planting. The owner or operator of the junkyard shall maintain such landscaping in good condition and shall replace dead or diseased vegetation as necessary to maintain a continuous screen.

E. All junk, debris, equipment, and other materials associated with the junkyard shall be kept within a completely enclosed building or within the confines of the perimeter fence.

F. Scrap, junk, or other materials shall be piled or stored so that they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall within 50 feet of the inside of such fence or wall.

G. The site shall be maintained in such a condition as to prevent the breeding or harboring of rats, insects, or other vermin and to prevent the collection of stagnant water.

§ 44-1023. [Ch. 44, 10-23] Manufactured and mobile home sales.

A. Use of a manufactured home or mobile home for living or sleeping purposes on the premises shall be prohibited unless expressly requested by the petitioner and approved by the City Council.

B. No manufactured home or mobile home that has been damaged by wind, fire, explosion, or other such calamity shall be stored on the premises for more than 48 hours.

C. Building height. The maximum permitted building height shall be 35 feet or two stories, whichever is lower.

D. The following minimum site and bulk standards shall be required for the siting and development of any manufactured and mobile home sales facility.

Table 1023: Manufactured and Mobile Home Sales Bulk Standards				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
1 acre	200 feet	20 feet	20 feet	20 feet

§ 44-1024. [Ch. 44, 10-24] Medical or dental office or clinic.

A. Applicability. The provisions of this section shall apply to medical or dental offices or clinics in the R-3B, C-1 and S-1 Districts.

B. The total floor area of the clinic shall not exceed 30% of the net lot area.

C. In addition to the provisions of Article XIII of this Code, a minimum of 20% of the net lot area shall be landscaped.

D. Building height. The maximum permitted building height shall be 35 feet or two stories, whichever is lower.

E. The following minimum lot standards shall be required for the siting and development of any medical or dental office or clinic.

Table 1024: Medical or Dental Office or Clinic Lot Standards	
Min. Lot Area	Min. Lot Width
20,000 square feet	100 feet

§ 44-1025. [Ch. 44, 10-25] Mining/quarrying.

A. Site plan approval shall be required pursuant to § 44-1709 of this Code. In addition to the stated site plan requirements, the site plan application shall also indicate the following:

(1) Areas to be excavated;

(2) Grading plan (existing and proposed topography indicated at two-foot intervals);

(3) Watercourses and drainage ways through the site;

(4) Erosion and sediment control devices;

(5) Proposed location for sorting, grading, crushing and similar operations;

(6) Locations of vehicular access and egress;

(7) Proposed exterior lighting;

(8) A reclamation plan indicating the intended method of site restoration and reuse. Such a plan shall not encourage spot development that would potentially conflict with surrounding land uses.

B. Location.

(1) The closest lot line for any proposed mining or quarrying use (e.g., excavating, sorting, crushing, loading, hauling, storage or cutting of stone, clay or sand) shall not be located within 2,000 feet of the lot line of a dwelling, a daycare or school.

(2) The proposed site for the mining or quarrying use shall be contiguous to a major or collector street that has been improved (thickness and width) to accommodate the anticipated traffic in accordance with the Bureau of Local Roads and Streets Manual, published by the Illinois Department of Transportation.

C. Buffers and screening. In addition to the requirements of Article XIII of this Code, the following minimum buffers and screening shall be required.

(1) A natural buffer strip at least 100 feet wide must be maintained between the working edge of any excavation or quarry and any property boundary. Natural buffer strip materials may consist of earthen berm of not less than six feet in height, hedges, rows of trees or other fast-growing foliage that will obscure the sight of the mining operation.

(2) A wire mesh or chain link fence shall be installed and maintained around the perimeter of the mining or quarrying site. Said fence shall have a height of at least eight feet. All gates in the fence shall be locked whenever workers are not present.

D. Paving. The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least 25 feet wide and extending 250 feet insides the main access gate, so as to limit adjoining lots and public roads from the nuisance caused by road debris and wind-borne dust. All roads, driveways, parking lots and loading and unloading areas not required to be paved shall be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary to limit the nuisance caused by wind-borne dust.

E. Operational standards.

(1) The hours of operation for a mine or quarry shall be limited to 6:00 a.m. to 7:30 p.m., Monday through Saturday. Expanded hours and Sunday operations may be allowed on an occasional basis (no more than 12 projects per year) provided such operation is registered in advance with the City of Bloomington. During expanded hours and Sunday operation, the City Manager may impose

additional restrictions reasonably related to health, safety, and welfare.

(2) The proposed mining or quarrying use shall comply with all applicable regulations of the Illinois Environmental Protection Agency.

F. Noise. Noise shall not exceed sound levels set forth in 35 Ill. Code Part 900.101 et seq. as promulgated from time to time by the Illinois Pollution Control Board pursuant to 415 ILCS 5/25.

G. The site shall be provided with a sustainable water supply for fire protection by fire department pumping apparatus.

H. A surety bond or other reasonable requirement of assurance that such a reclamation project will be completed shall be required by the City Council in the event that the mine operator is not required to post bond under the Surface Mined Land Conservation and Reclamation Act.

I. Potable water wells and water supplies shall be protected per the Illinois Groundwater Protection Act.

§ 44-1026. [Ch. 44, 10-26] Mini warehouses.

A. Buffers and screening. In addition to the requirements of Article XIII of this Code, the following minimum buffers and screening shall be required.

(1) A six-foot high opaque fence shall be required around the perimeter of the lot to be used as a mini warehouse site.

(2) A chain link or wire mesh fence interlaced or interwoven with opaque strips may qualify as meeting the requirements for a solid opaque fence, if approved by the Zoning Administrator.

(3) A landscaping strip, 12 feet in width, shall be provided along all street frontages and along borders where a mini-warehouse site abuts any Residential District.

B. Site circulation.

(1) All one-way driveways shall provide for one ten-foot wide parking lane and one fifteen-foot wide travel lane. Traffic direction and parking shall be designated by signing or painting.

(2) All two-way driveways shall provide for one ten-foot wide parking lane and two twelve-foot travel lanes.

(3) The parking lanes may be eliminated when the driveway does not serve storage cubicles.

Added for unknown reason; District standard already controls height. Approved Variances.

C. Maximum floor area. No storage cubicle shall have a gross floor area greater than 5,000 square feet.

Proposed Change

~~D. Building height. The maximum permitted building height shall be 35 feet or two~~

~~stories, whichever is lower.~~

E. The following minimum site and bulk standards shall be required for the siting and development of any mini-warehouse facility.

Table 1026: Mini Warehouses Site and Bulk Standards				
Lot Standards		**Site Design Standards**		
Min. Lot Area	**Min. Lot Width**	**Front Yard**	**Side Yard**	**Rear Yard**
2 acres	100 feet	20 feet	20 feet	20 feet

§ 44-1027. [Ch. 44, 10-27] Mobile food and beverage vending.

Proposed Change

In coordination with other City departments and divisions

A. ~~Operated by principal use.~~ All mobile food and beverage vending businesses~~ operated by the principal use~~ shall be ~~registered~~ licensed with the City of Bloomington, per the requirements of § 38-923 and must operate within the confines of said license and the restrictions in Chapter 11 (Business Licenses, Registration and Regulations) of the City Code. ~~Said registration shall require the submission of the following information:~~
~~(1)Description of goods to be sold;~~
~~(2)Hours of operation;~~
~~(3)Site plan showing proposed location of such business; and~~
~~(4)Name, address, and local telephone numbers of the person in charge of the portable food and beverage vending business.~~

B. All mobile food and beverage vending businesses shall comply with the following:
(1)Businesses operating on private property shall have the consent of the principal business owner/property owner;
(2)Operation may not obstruct traffic in the lot or reduce the number of parking spaces for the principal business below the number required by City Code.
(3)Operation shall be at least than 15 feet from the front property line.

C. All mobile food and beverage vending businesses shall comply with the requirements of § 44-907A(5) through (11) of this Code for temporary sales.

§ 44-1028. [Ch. 44, 10-28] Recycling facilities, refuse disposal services, sanitary landfills, solid waste disposal areas, waste transfer stations.

A. Location.

(1) A recycling facility, refuse disposal service, sanitary landfill, solid waste disposal area, or waste transfer station shall not be located closer than 500 feet to the lot line of a dwelling or to a Residential District boundary line.

(2) The site must be located so as to have direct access to a major street or highway on which traffic will not go through residential areas and shall have only one point of ingress and egress.

B. Paving. The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least 25 feet wide. All interior roads, driveways, parking lots and loading and unloading areas not required to be paved shall be constructed of an all-weather surface and be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary to limit the nuisance caused by wind-borne dust.

C. Buffers and screening. In addition to the requirements of Article XIII of this Code, such uses shall be enclosed by a solid, opaque perimeter fence at least eight feet in height. All gates in the fence shall be locked whenever workers are not present.

§ 44-1029. [Ch. 44, 10-29] Refractory lined pit burners.

A. Location. A refractory lined pit burner shall not be located closer than 400 feet to the lot line of a dwelling or to a Residential District boundary line.

B. Buffers and screening. In addition to the requirements of Article XIII of this Code, the following minimum buffers and screening shall be required.

(1) The site shall be enclosed by a perimeter fence at least eight feet in height.

(2) The site shall be screened from any adjacent land by an evergreen landscaping screen at least eight feet in height.

C. No combustible material and/or vegetation shall be located closer than 20 feet to the exterior surface of the refractory lined pit burner.

D. The refractory lined pit burner shall be considered accessory to a required principal structure on the same lot.

E. The hours of operation for a refractory lined pit burner shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday.

F. Special use permit. The applicant for a special use permit shall submit written documentation to the Zoning Board of Appeals verifying compliance with all Illinois Environmental Protection Agency requirements and performance standards for refractory lined pit burners. Ord. No. 2022-99

G. Building height. The maximum permitted building height shall be 15 feet.

H. The following minimum site and bulk standards shall be required for the siting and development of any refractory lined pit burner.

Table 1029: Refractory Lined Pit Burners Site and Bulk Standards

Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
20,000 square feet	110 feet	50 feet	50 feet	50 feet

§ 44-1030. [Ch. 44, 10-30] Roadside markets.

A. Roadside markets are a permitted only when accessory to a permitted agricultural use in A District or commercial use in the B-1 District.

B. Sales of agricultural produce grown on the premises, or value-added products (e.g., jams, relishes, and baked goods) derived from produce grown on the premises, are permitted in a roadside market. The sale of durable goods unrelated to the agricultural use (e.g., antiques, fireworks) and products that are not derived from produce grown on the premises is not permitted.

C. The maximum permitted area for a building, structure or outdoor sales area devoted to retail sales is 600 square feet.

D. A roadside market shall be set back at least 15 feet from a front property line.

§ 44-1031. [Ch. 44, 10-31] Solar energy conversion facilities.

A. Construction and operation of solar energy conversion facilities shall comply with all applicable local, state, and federal requirements, including but not limited to safety, construction, environmental, electrical, communications and aviation requirements.

B. Effect of approval. Any authorization granted to an individual property owner for a solar energy conversion facility shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping, or other accessory improvements, even if such improvements may diminish the function of said solar energy conversion facility.

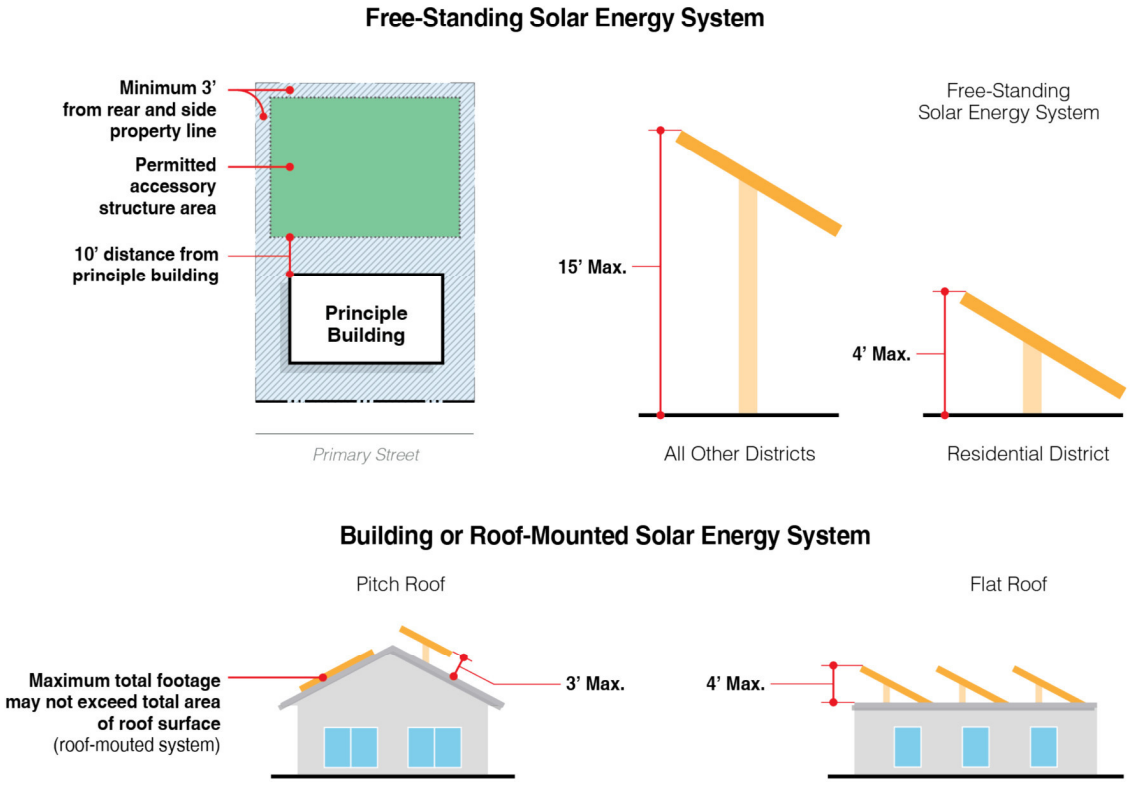
C. Concealment. All wiring associated with a solar energy conversion facility shall be underground, hardwired within the structure, or contained within a raceway that complements the site or building materials of the principal structure.

D. Decommissioning. Any abandoned or non-functioning solar energy conversion facility shall be removed by the owner within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.

E. Private solar energy conversion.

Diagram 1031E

Private Solar Energy Conversion System



(1) Building or roof-mounted systems.

(a) Location. Solar facilities may be located on any principal or accessory structure. Systems should be flush mounted when possible.

(b) Height. The height of roof-mounted systems is measured from the roof surface on which the system is mounted to the highest edge of the system. Roof-mounted systems shall comply with the following height standards.

[1] Maximum height. Building or roof-mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district.

[2] Pitched roof. Systems shall not extend beyond three feet parallel to the roof surface of a pitched roof.

[3] Flat roof. Systems shall not extend beyond four feet parallel to the roof surface of a flat roof.

(c) For roof-mounted systems, the total square footage of the system panels may not exceed the total area of roof surface of the structure to which the

system is attached. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the perimeter of the building on which the system is mounted or built; however, solar roofing tiles and shingles may extend to the edge of the roof eaves.

(d) Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.

(2) Freestanding systems.

(a) Use. Freestanding private solar energy systems shall be accessory to the principal permitted use of the parcel, unless such facilities are located on a parcel dedicated by recorded easement for the conversion of energy to serve multiple users within a development or subdivision as a community solar energy system. Such congregate use shall be subject to site plan approval pursuant to § 44-1709 of this Code.

(b) Location.

Ord. No. 2022-99

[1] **In Residential Districts,** accessory freestanding systems are permitted in the rear and side yards only, subject to the accessory structure provisions of § 44-908.

Ord. No. 2022-99

[2] Freestanding systems approved pursuant to site plan approval shall not be located within the **required** front yard and shall in other respects comply with the accessory structure provisions of § 44-908.

(c) Height. The height of freestanding solar energy systems is measured from the grade at the base of the pole to the highest edge of the system at maximum tilt. Freestanding solar energy systems shall comply with the following height standards.

[1] Residential districts. The maximum height is four feet.

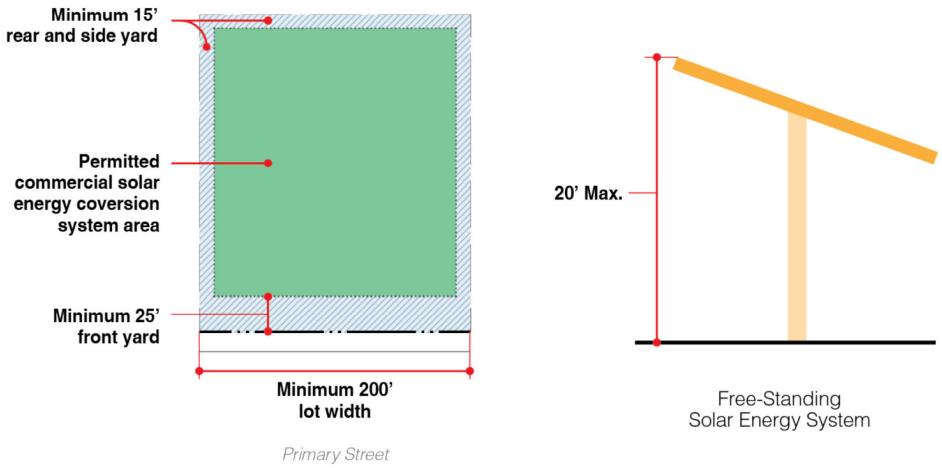
[2] All other districts. The maximum height is 15 feet.

(3) Historic buildings. Zoning lots within historic districts are subject to the additional requirements of the district.

F. Commercial solar energy conversion.

Diagram 1031F

Commercial Solar Energy Conversion System Bulk and Site Standards



(1) Site plan. Site plan approval shall be required pursuant to § 44-1709 of this Code. In addition to the stated site plan requirements, the site plan shall also indicate the following:

(a) Site size in acres;

(b) Existing physical features (e.g., drainage easements, streams, and wetlands);

(c) Location of all proposed solar arrays, other structures, service roads, and support equipment.

(d) Existing and finished grading plan of the site at two-foot contour intervals;

(e) Drainage plan indicating direction of run-off flow, location of catch basins and water retention and/or detention areas.

(2) Location. Accessory to principal permitted use in B-1, B-2 district.

(3) Landscaping and screening. In addition to the requirements of Article XIII, the following landscaping and screening features shall be provided.

(a) Opaque solid wood, masonry, or wire mesh fencing shall be provided around the perimeter of the site.

(b) Native perennial vegetation, such as grasses and wildflowers, shall be planted and maintained on site to reduce erosion, manage stormwater run-off, and enhance soil.

(4) Power and communication lines running between banks of solar panels and to

nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted where shallow bedrock, watercourses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

(5) Glare. Commercial solar energy systems shall not direct glare to neighboring properties or roadways. Solar energy systems that use a reflector to enhance solar energy conversion shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, and reducing use of the reflector system.

(6) Aviation protection. Within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) consistent with the applicable guidance or requirements of the Federal Aviation Administration (FAA) and Central Illinois Regional Airport Master Plan.

(7) Maximum height. Solar energy conversion facilities shall not exceed 20 feet in height, as measured from grade at the base of the system to the highest edge at maximum tilt.

(8) The following minimum site and bulk standards shall be required for the siting and development of any commercial solar energy system.

Table 1031: Commercial Solar Energy Conversion Site and Bulk Standards

Lot Standards		Site Design Standards		
Min. Lot Area	**Min. Lot Width**	**Front Yard**	**Side Yard**	**Rear Yard**
1 acre	200 feet	25 feet	15 feet	15 feet

§ 44-1032. [Ch. 44, 10-32] Swimming pools, community.

A. Location. A swimming pool shall be located at least 60 feet from the lot line of any property zoned or occupied for a single-family dwelling.

B. The perimeter of the swimming pool area shall be enclosed by a security fence at least six feet in height.

C. Parking. Required parking pursuant to Article XII of this Code may be provided in a surface parking lot and/or parallel on-street parking, provided that the following conditions are met:

(1) The street shall have a minimum street pavement width of 30 feet;

(2) On-street parking shall only be provided directly in front of the proposed facility;

(3) On-street parking stalls shall have a minimum stall length of 22 feet;

(4) On-street parking stalls shall not be within 20 feet of a crosswalk at an intersection.

D. The following minimum lot standards shall be required for the siting and development of any swimming pool.

Table 1032: Community Swimming Pool - Lot Standards	
Min. Lot Area	**Min. Lot Width**
Equivalent to zoning district standard or 6,600 square feet, whichever is greater	Equivalent to zoning district standard or 50 feet, whichever is greater.

§ 44-1033. [Ch. 44, 10-33] Theaters, drive-in.

A. Accessory uses permitted may include a playground, refreshment stands and public toilets, and souvenir stands or booths.

B. In addition to the standards of § 44-911, all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle.

C. No theater screen shall be visible from a Residential District or public right-of-way.

D. Building or structure height. The maximum permitted height for any building or structure shall be 50 feet.

E. The following minimum site and bulk standards shall be required for the siting and development of any drive-in theater.

Table 1033: Theaters, Drive in Site and Bulk Standards				
Lot Standards		**Site Design Standards**		
Min. Lot Area	**Min. Lot Width**	**Front Yard**	**Side Yard**	**Rear Yard**
20 acres	200 feet	200 feet	200 feet	200 feet

§ 44-1034. [Ch. 44, 10-34] Vehicle repair and service.

A. Location. Not more than two automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than 120 feet of a Residential District boundary.

B. Site standards.

(1) No curb cuts shall be permitted within 10 feet of a side lot line or 20 feet of a street intersection.

(2) Any area where inoperative vehicles are intended to be stored for a period of more than 10 days shall be fully screened in accordance with Article XIII of this Code to prevent such vehicles from being viewed from a public street or

area.

(3) All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building.

C. The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations.

D. Outdoor lighting. In addition to the standards of § 44-911, all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle.

E. Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower.

F. The following minimum site and bulk standards shall be required for the siting and development of any automobile service station.

Table 1034: Automobile Service Station Site and Bulk Standards

Lot Standards			Site Design Standards		
Min. Lot Area	**Min. Lot Width**	**Min. Lot Depth**	**Front Yard**	**Side Yard**	**Rear Yard**
10,000 square feet	70 feet	n/a	40 feet	15 feet	20 feet

§ 44-1035. [Ch. 44, 10-35] Veterinary office or clinic.

A. Location. A Veterinary Office or Clinic shall not be located closer than 300 feet to a Residential District boundary line.

B. Fencing. A six-foot high wire mesh fence shall be required to enclose outdoor animal areas.

Proposed Change

~~C. Lot width. The width of a lot containing a veterinary office or clinic shall not be less than 200 feet.~~

Added for unknown reason; District standards already control lot size.

§ 44-1036. [Ch. 44, 10-36] Wind energy conversion facilities.

A. Construction and operation of wind energy conversion facilities shall comply with all applicable local, state, and federal requirements, including but not limited to safety, construction, environmental, electrical, communications and aviation requirements.

B. Effect of approval. Any authorization granted to an individual property owner for a wind energy conversion facility shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping, or other accessory improvements, even if such improvements may diminish the function of said wind energy conversion facility.

C. Standards for All Wind Energy Conversion Facilities.

(1) Illumination. Illumination shall be prohibited, except to accommodate co-installation of parking lot lighting luminaires in accordance with the provisions of § 44-911, Performance Standards, of this chapter or as required by the Federal Aviation Administration (FAA) or other state or Federal agency of competent jurisdiction.

(2) Concealment. All wiring associated with a wind energy conversion facility shall be underground or otherwise concealed to blend or harmonize with the site.

(3) Appearance. The facility shall maintain a galvanized neutral finish or be painted to conform the system color to the surrounding environment to minimize adverse visual effects.

(4) Signage. No commercial signage or attention-getting device is permitted on any wind energy conversion facility. A sign, not exceeding four square feet in size with a plain white background and black lettering, shall be provided on each wind energy conversion facility which indicates the emergency contact information of the property owner or operator.

(5) Noise. Except during short-term events such as utility outage or a severe windstorm, a wind energy conversion facility shall not exceed 55 dBA as measured at the boundary line of a Residential District and shall in all other respect conform to the noise standards of § 44-911.

(6) Safety. Every wind energy conversion facility shall have an internal automatic braking device to prevent uncontrolled rotation or over speeding.

(7) Decommissioning. Any abandoned or non-functioning wind energy conversion facility shall be removed by the owner within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.

D. Private wind energy conversion. Private wind energy conversion facilities shall be accessory to the principal permitted use of the site, subject to the following conditions:

(1) Roof-mounted systems.

(a) Location. Roof-mounted systems shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and shall not be affixed to the parapet or chimney of any structure.

(b) Height. The height of a roof-mounted system is measured from the roof surface on which the system is mounted to the highest edge of the system. The total height of a roof-mounted private wind energy system shall not exceed 10 feet above the roof height or 10 feet above the maximum permitted height of the zoning district, whichever is less.

(c) Quantity. One turbine is allowed for every 750 square feet of the combined roof area of all structures on a zoning lot. For a pitched roof, each surface of the roof shall be included in the roof area calculation.

(2) Freestanding systems.

(a) Location. A freestanding system shall not be located within the required front yard or corner side yard or in any utility easement and shall be set back a distance equal to 1.1 times the system height from the base to all property lines, third party transmission lines, overhead electric distribution systems, public sidewalks and public rights-of-way.

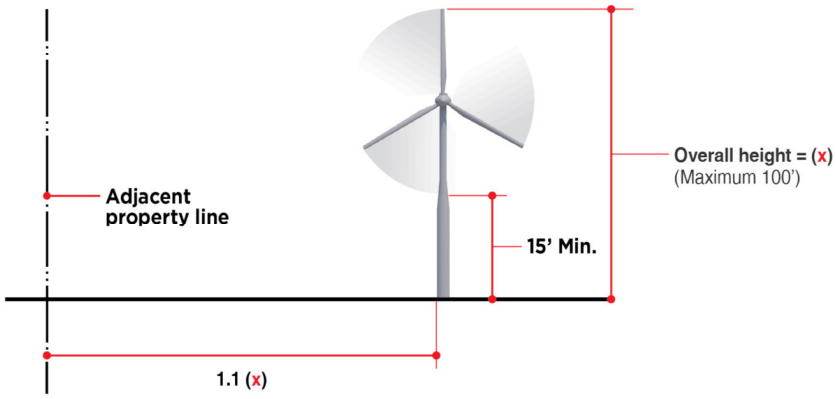
(b) Height. The height of a freestanding wind energy conversion facility shall not exceed 100 feet in a Manufacturing District, or 60 feet in an Agricultural, Business or Public Interest District, as measured from grade at the base of the pole to the highest edge of the system.

(c) Clearance. The minimum clearance between the lowest tip of the rotor or blade and the ground shall be 15 feet.

(d) Access. Climbing access (rungs or foot pegs) shall be located no closer than 12 feet from the ground at the base of the tower.

Diagram 1036D(2)

Private Free-Standing Wind Energy Conversion



E. Commercial wind energy conversion.

(1) Site plan. Site plan approval shall be required pursuant to § 44-1709 of this

Code. In addition to the stated site plan requirements, the site plan shall also indicate the following:

(a) Site size in acres;

(b) Existing physical features (e.g., drainage easements, streams, and wetlands);

(c) Location of all proposed towers, other structures, service roads, and support equipment;

(d) Existing and finished grading plan of the site at two-foot contour intervals;

(e) Location of all areas to be disturbed by the construction of the proposed project including access routes, trenches, grading, and staging areas;

(f) Drainage plan indicating direction of run-off flow, location of catch basins and water retention and/or detention areas;

(g) A post-installation erosion control, revegetation, and landscaping plan;

(h) Elevations of the components of the proposed facility;

(i) Visual simulations. Visual simulations taken from off-site views, including from adjacent properties, as determined by the Director of Economic and Community Development, shall be submitted which illustrate the site location after installation of the proposed towers. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(j) Acoustical analysis. The Director of Economic and Community Development may require a project-specific acoustical analysis, which shall be prepared by a qualified professional at the expense of the applicant. The study shall simulate the proposed wind energy conversion installation to assure acceptable noise levels and, if necessary, provide measures to comply with applicable noise standards. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(k) Wind measurement study. The Economic and Community Development Director may require a wind resource assessment study, which shall be prepared by a qualified professional at the expense of the applicant. The study shall be performed for a minimum six-month period at the proposed site during prime wind season. The study may require the installation of a meteorological tower, erected primarily to measure wind speed and directions plus other data relevant to appropriate siting. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) Location. A commercial wind energy conversion facility shall be set back a distance equal to two times the system height from the base of the tower to all property lines, third party transmission lines, overhead electric distribution systems, public sidewalks and public rights-of-way.

(3) Minimum lot size. The minimum required lot size for any commercial wind energy conversion facility shall be five acres.

(4) Height. The height of the facility shall not exceed 200 feet as measured from the base of the tower to the highest edge of the system.

(5) Clearance. The minimum clearance between the lowest tip of the rotor or blade and the ground shall be 30 feet.

(6) Access. If a climbing apparatus is present on a tower, access control shall be provided by one of the following means:

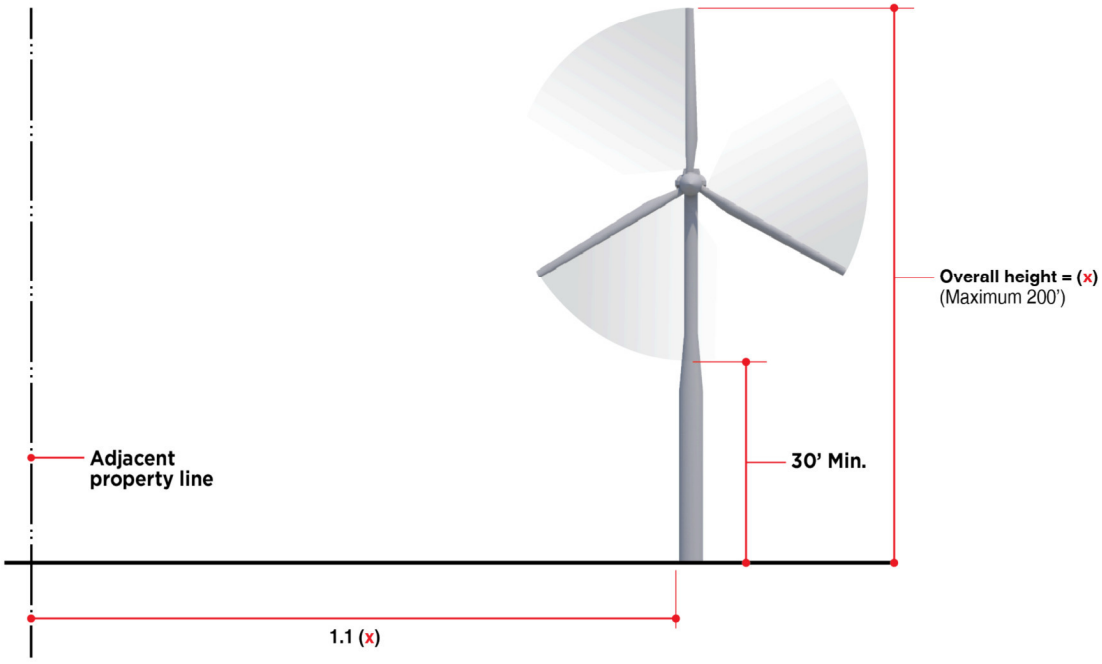
(a) Tower-climbing apparatus located no closer than 12 feet from the ground at the base of the tower;

(b) A locked anti-climb device installed on the tower; or

(c) A locked, protective fence at least six feet in height that encloses the tower.

Diagram 1036E

Commercial Free-Standing Wind Energy Conversion



§ 44-1037. [Ch. 44, 10-37] Wireless communication facilities.

A. Applicability. Every wireless communication facility located within the City of Bloomington is subject to the standards of this section, except that the following facilities are exempt:

(1) Amateur Radio Station Operator/Receive-Only Antenna, if owned and operated by a federally licensed amateur radio station operator or used exclusively for a receive-only antenna, except that on Protected Residential Property such antennas shall be subject to the provisions of § 44-1037C.

(2) Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one meter in diameter, except that on Protected Residential Property such antennas shall be subject to the provisions of § 44-1037C.

(3) Emergency services. Wireless communication facilities used exclusively for emergency services including police and fire, when not located on a new tower; and

(4) Distributed Antenna Systems (DAS) and small cells that are concealed within a building or are installed on an existing structure or utility facility, comply with the height limit of the zoning district, and do not require installation of a new tower, utility support structure or building. Where such facilities are to be placed in the public right-of-way, approval by the Director of Public Works is required.

(5) A temporary, commercial wireless communication facility installed for providing coverage of a special event such as news coverage or sporting event, subject to applicable permitting requirements by the City, for a period of up to one week before and one week following the special event.

B. Application. An application for a Wireless Communication Facility shall be submitted on a form prepared by the City of Bloomington and shall include the following:

(1) Name and address of applicant and property owner as well as primary and secondary contact information for the applicant.

(2) Summary and scope of work to be completed on the site, including the nature of any changes to the site or any existing facility. The applicant additionally shall state whether he or she believes that the request is eligible for the sixty-day review period of Section 6409(a) of the Spectrum Act, as provided in § 44-1037D of this Code.

(3) Description of proposed equipment, including the equipment type, specification, installation status, mount type and a manufacturer's certification by a licensed structural engineer regarding the structural integrity of the antenna facility and evidence of compliance with Federal Communication Commission's radio frequency emission standards.

(4) A site plan indicating the property boundaries, setbacks, elevations, and dimensions of the proposed facility.

(5) Lighting plans for any new exterior lighting to be installed on the site.

(6) For new towers and substantial changes, the following additional information shall be submitted:

(a) A site plan indicating the location of the proposed wireless communication facility, supporting equipment and accessory utility buildings, and all existing structures on the property and within 200 feet of the facility.

(b) A written description or map of the proposed service area for desired coverage or capacity and documentation that the proposed facility would provide such coverage or capacity.

(c) An inventory of the existing wireless communication facilities, including existing transmission equipment land such equipment located on silos, water tanks, buildings, etc.

(d) Photo-simulation or other graphic illustration of the proposed wireless communication facility, including the location of existing and new facilities, proposed concealment elements and paint color specifications.

(7) Maintenance plan. A description of anticipated maintenance needs, including frequency of service personnel needs, equipment needs, and traffic, noise, and safety impacts of such maintenance.

(8) Evidence of compliance with Federal Aviation Administration standards and/or "Airport Hazard Zoning Regulations for Bloomington-Normal Airport."

C. Permitted facilities on protected residential property. Wireless communication facilities shall be permitted only as an accessory structure on Protected Residential Property and shall conform to the following requirements:

(1) Satellite dish antennas exceeding one meter in diameter shall comply with the following standards:

(a) Such antenna shall be permitted as an accessory structure only on a roof or in a rear yard.

(b) The antenna shall be located no closer than three feet from a side or rear lot line and outside of any easements of record.

(c) The permitted height of the satellite dish antenna shall not exceed 15 feet from the ground level at the base of the antenna to the highest point of the antenna for ground-mounted satellite dish antennas; and 15 feet from the roof line to the highest point of the antenna for roof-mounted satellite dish antennas.

(2) Satellite dish antennas one meter or less in diameter, television broadcast antennas, multi-channel multi-point distribution antennas, and radio broadcast antennas (including amateur radio antennas) and other similar antennas shall comply with the following standards.

(a) Such antenna(s) shall be permitted as an accessory structure only on a roof, in a rear yard, or a side yards behind the front yard building setback line and shall be located outside any easement of record.

(b) The permitted height of the antenna shall not exceed 70 feet from ground level at the base of the antenna to the highest point of the antenna for ground mounted antenna facilities, and 35 feet in height from the roof line to the highest point of the antenna for roof mounted antenna facilities.

(c) Exterior surfaces must be painted a non-contrasting color consistent with the surrounding area such as blue, grey, brown, or silver, or have a galvanized finish to reduce visual impact. Metal surfaces shall be constructed of, or coated with, corrosion-resistant material.

(3) Wireless communication facilities that comply with all other applicable regulations are allowed as accessory structures mounted on the roof of high-rise multiple-family dwellings, water towers, church steeples or bell towers, or other similar existing structures located on Protected Residential Property.

(4) No new wireless towers will be permitted on Protected Residential Property.

(5) Wireless communication facilities that are proposed as a principal use on Protected Residential Property or that require construction of a new utility support structure or building shall require approval of a special use pursuant to the procedures and standards of § 44-1037D and Article XVII of this Code.

(6) Evidence of compliance with Federal Aviation Administration standards and/or "Airport Hazard Zoning Regulations for Bloomington-Normal Airport, a.k.a. "Central Illinois Regional Airport," shall be filed with the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

D. Review Procedures for Non-Substantial Changes ("Eligible Facilities Request").

(1) The following procedures are established pursuant to Part 45 U.S.C. § 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the Federal Communications Commission (FCC) in its Report and Order No. 14153 (commonly referred to as Section 6409(a) of the Spectrum Act).

(2) An application for co-location of new transmission equipment, removal of equipment or replacement of equipment that does not substantially change the physical dimensions of a wireless communication facility shall be approved.

(a) A substantial change to a tower, excluding any tower in the public right-of-way, is a change that would result in any of the following.

[1] Height. The change would increase the height of a tower, as it lawfully existed on March 1, 2012, by more than 10% or by the height of one additional antenna array with separation from the

nearest antenna not to exceed 20 feet, whichever is greater.

[2] Width. The change would involve the addition of an appurtenance to the body of the tower that would protrude more than 20 feet from the tower or would exceed the width of the tower structure at the level of the appurtenance, whichever is greater.

[3] Equipment cabinets. The change would involve installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets.

[4] Excavation or deployment. The change would involve excavation or deployment of equipment outside the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

[5] Concealment. The change would defeat the concealment elements of the wireless communication facility.

[6] Conditions of prior approval. Any change, other than those described as non-substantial changes herein, that would not comply with conditions of prior approval for the facility.

(b) A substantial change to any other tower or base station is one that would result in any of the following:

[1] Height. The change would increase the height of the tower or base station, as it lawfully existed on March 1, 2012, by more than 10% or by more than 10 feet whichever is greater.

[2] Width. The change would involve the addition of an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

[3] Equipment cabinets. The change would involve installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the facility or involve installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

[4] Excavation or development. The change would involve excavation or deployment of equipment outside the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, or outside the area in proximity to the structure or other transmission equipment already deployed on the ground.

[5] Concealment. The change would defeat the concealment elements of the wireless communication facility.

[6] Conditions of prior approval. Any change, other than those

described as non-substantial changes herein, that would not comply with conditions of prior approval for the facility.

(3) The City shall approve or deny an application for an Eligible Facilities Request within 60 days of submission, as provided below.

(a) The City shall notify the applicant of an incomplete application within 30 days of submission. Such notification shall include a specific list of materials missing from the application and shall provide the basis in Code or other applicable law for requiring submission of such material. Transmission of this notification shall toll (pause) the sixty-day review period until supplemental materials are received by the City. No information shall be requested that exceeds the submittal requirements outlined in this § 44-1037.

(b) Upon receipt of supplemental materials, the City shall review such materials and, if the application remains incomplete, provide written notification to the applicant within 10 days. Transmission of this notification shall toll the sixty-day review period until supplemental materials are received by the City. No new information shall be requested beyond what was previously described in the submittal requirements and initial incomplete letter.

(c) Failure to approve or deny the application within 60 days shall result in a deemed approval of the application.

(d) The review period may be extended by mutual written agreement between the City and the applicant.

(4) The City shall notify the applicant, in writing, of any decision to approve or deny an Eligible Facilities Request. Any decision to deny shall describe the reasons for such denial, which shall be consistent with the Bloomington City Code and supported by substantial evidence.

E. New wireless towers and substantial changes to existing towers and base stations.

(1) Location.

(a) New wireless towers may be permitted as a special use only in the A Agriculture District; B-1 General Commercial District; B-2 Local Commercial District; P-2 Public Lands and Institutions District; and the Manufacturing Districts.

(b) A substantial change to an existing tower or base station shall require approval of, or modification to, a special se in any Agricultural, Residential, Business or Special Public Interest District. In Manufacturing Districts, a substantial change shall require approval by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(c) Non-exempt Distributed Antenna Systems (DAS) and small cells that are not subject to § 44-1037D shall require approval of a special use in any Residential District, the D-1 Central Business District, D-2 Downtown Transitional District or D-3 Warehouse District. In all other districts, DAS and small cells shall require approval by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) Applicants for new wireless towers shall demonstrate that all possible avenues for co-location of antennas on existing towers or base stations have been investigated.

(3) Bulk standards.

(a) Lot size. The minimum lot size for any wireless tower shall be equal to the minimum required lot size for the zoning district in which the facility is to be located.

(b) Setback. The minimum setback shall be maintained for the zoning district where the proposed antenna facility site is located; additionally, a setback of 200% of the antenna facility height shall be maintained from buildings used for dwellings, day-care centers, elementary or secondary schools or playgrounds in order to minimize the adverse effects of falling ice or damage due to antenna facility collapse.

(c) Equipment cabinets and supporting equipment. All equipment cabinets and structures accessory to a wireless communication facility shall meet the minimum setback requirements of the zoning district in which the wireless communication facility is located. Such structures shall be screened from view in accordance with § 44-908 of this Code.

(d) To encourage co-location of commercial antennas, all new wireless towers exceeding 70 feet in height shall not be located within one quarter mile (1,320 feet) of any other wireless tower that exceeds 70 feet in height.

(4) Capacity. A new tower shall be designed to accommodate the applicant's planned transmission equipment and capacity for at least one additional comparable user.

(5) Concealment. The applicant shall demonstrate that reasonable efforts have been made to reduce the visual impact of new towers. The City may impose conditions of approval on a special use for any new wireless communication facility or substantial change to a wireless communication facility requiring one more forms of concealment which include but are not limited to: screening, blending into architectural elements, placement of facilities in locations where topography, vegetation or other physical features reduce their view, and designing wireless towers to appear as other structures such as light poles or flag poles.

(6) Review period. The City shall approve or deny a complete application for a co-location or substantial modification within 90 days of submission and shall approve or deny a complete application for a new wireless tower within 150 days of submission.

(7) Review findings. A decision to approve or deny an application shall be made in writing based upon substantial evidence. Conditions of approval may be imposed as provided in this subsection and Article XVII.

(a) The City shall not impose new conditions relating to, or deny an application on the basis of, radio frequency emissions. All facilities shall comply with the FCC standards for radio frequency emissions, which are deemed adequate to protect public health and welfare.

(b) Findings of fact related to property values of nearby land shall be documented by expert testimony and the written analysis of a qualified professional, such as an appraiser or mortgage broker, based on a study for that specific location.

(c) The Planning Commission shall find that a proposed new wireless tower cannot be accommodated on an existing tower or building within the coverage or capacity area of the proposed tower due to one or more of the following reasons:

[1] The planned antenna or transmission equipment would exceed the structural capacity of all existing or approved towers or buildings, as documented by a qualified and licensed professional engineer, and all of the existing or approved towers cannot be reinforced, modified, or replaced to accommodate the planned or equivalent antennas or transmission equipment at a reasonable cost.

[2] The planned antenna would cause interference materially impacting the usability of other existing or planned antenna at a tower or building as documented by a qualified and licensed engineer and such interference cannot be prevented at a reasonable cost.

[3] Existing or approved towers and buildings within such the coverage or capacity area cannot accommodate the planned antenna or transmission equipment at a height necessary to function according to the documented coverage or capacity needs as determined by a qualified and licensed professional engineer; and

[4] Other unforeseen reasons that make it unfeasible to locate the planned antenna or transmission equipment upon an existing or approved tower or building.

F. Other codes. The installation and construction of wireless communication facilities shall comply with Bloomington City Code Chapter 10, as adopted.

G. Signage. Wireless communication facilities shall not contain any form of signage

other than warning or equipment information signs.

H. Abandonment. Wireless communication facilities that remain unused for more than one year shall be removed at their owner's cost. In the event that such abandoned wireless communication facilities are not removed within one year of the cessation of operations at the site, the tower, base station, or transmission equipment may be removed by the City and the costs of such removal assessed against the owner of such facility or the property owner.

§ 44-1038. Adult-use cannabis business establishments; prohibitions. [Added 12-16-2019 by Ord. No. 2019-89]

Prohibition on certain adult use cannabis business establishments. No adult-use cannabis craft grower, adult-use cannabis cultivation center, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, adult-use cannabis transporting organization or transporter shall be permitted or allowed within the City of Bloomington. No adult-use cannabis dispensing organization shall be permitted or allowed within the City unless it complies with and obtains a special use in accordance with § 44-1039.

§ 44-1039. Adult-use cannabis dispensing organizations. [Added 12-16-2019 by Ord. No. 2019-89]

A. Purpose and applicability. It is the intent and purpose of this section to provide regulations regarding the dispensing of adult-use cannabis occurring within the corporate limits of the City of Bloomington. Such adult-use cannabis dispensing organizations shall comply with all regulations provided in the Cannabis Regulation and Tax Act (hereinafter "Act"), as it may be amended from time to time, and the regulations provided below. If the Act is amended, the more restrictive of the state or local regulations shall apply, except as pre-empted.

B. Limitation. No more than two adult-use cannabis dispensing organizations shall be granted a special use and permitted to be located within the City of Bloomington. Each adult-use cannabis dispensing organization may only be located upon approval of a special use as set forth in this section.

C. Application. In addition to the special use application requirements of § 44-1707, the application for a special use for adult-use cannabis dispensing organizations must include all the following information and documents:

(1) The legal name and, if different than the legal name, the trade name of the proposed adult-use cannabis dispensing organization for which the special use is sought.

(2) The commonly known address of the proposed adult-use cannabis dispensing organization.

(3) The property owner's name and address.

(4) The legal name of the applicant, if different than the name of the proposed

adult-use cannabis dispensing organization.

(5) The address, telephone number and email address of the adult-use cannabis dispensing organization and applicant's principal place of business, if different than the common address of the proposed adult-use cannabis dispensing organization. A post office box may not be submitted as the address of the applicant's principal place of business.

(6) A copy of a business plan for the proposed adult-use cannabis dispensing organization that includes, without limitation, the following information:

(a) A description of the products and services that the proposed adult-use cannabis dispensing organization intends to offer, if any;

(b) Number of employees;

(c) Anticipated number of customers (if applicable); and

(d) The proposed hours and days of operation of the proposed adult-use cannabis dispensing organization.

(7) A security plan that describes how the proposed adult-use dispensing organization will provide security for its inventory, customers and employees shall be submitted to the Economic and Community Development Department. The security plan shall be shared with the Chief of Police for review and recommendation. The security plan shall be kept confidential to the extent permitted by law. Without limitation, the security plan shall include the following information: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(a) A description of the procedures that the proposed adult-use dispensing organization will implement to prevent the diversion, theft or loss of cannabis during the delivery of cannabis to, and possibly from, the adult-use cannabis dispensing organization by another adult-use cannabis business establishment, including, without limitation, the use of delivery manifests;

(b) A description of the procedures that the proposed adult-use cannabis dispensing organization will implement to:

[1] Monitor the activities conducted within the proposed adult-use cannabis dispensing organization;

[2] Secure the proposed business, including, without limitation, the adult-use cannabis dispensing organization agents, cannabis and currency stored at the business; and

[3] Prevent the diversion, theft or loss of cannabis; and

(c) A description of the procedures that the proposed adult-use cannabis dispensing organization will implement to restrict access to limited-access areas and restricted-access areas within and outside of the

establishment.

(8) A written, and notarized statement that the applicant owns the property on which it proposes to operate the adult-use cannabis dispensing organization or, if the applicant does not own the property, a written, and notarized, statement from the property owner certifying the owner's consent to the use of the property as an adult-use cannabis dispensing organization.

(9) A statement of the impact of the proposed adult-use cannabis dispensing organization on existing and/or planned uses located within the vicinity of the subject property.

(10) A map of the area surrounding the location of the proposed adult-use cannabis dispensing organization identifying the businesses, and the nature of each surrounding use, located within 1,000 feet of any part of the property line of the proposed adult-use cannabis dispensing organization in existence at the time that the application of a special use permit is filed with the City.

(11) Schematic drawings illustrating the design and character of the building elevations, types of construction and floor plans of all proposed buildings and structures.

(a) The drawing shall also include a schedule showing the number, type and floor area of all uses or combinations of uses, and the floor area of the entire development.

(b) The drawings shall illustrate ingress/egress of the entire building, as well as ingress/egress for any and all secured areas and restricted- or limited-access areas.

(c) The drawing shall illustrate any loading and handling facilities, including trash and waste.

(d) The drawings shall illustrate video surveillance areas, panic button locations and other security systems as needed.

(12) A comprehensive site plan, drawn to scale, compliant with the requirements of § 44-1707 of this code, that also includes:

(a) Anticipated parking demand and available private parking supply;

(b) A photometric lighting plan for the proposed project if the project would result in new exterior lighting or changes to the existing exterior lighting;

(c) A site drainage plan, if applicable.

(13) Information sufficient to demonstrate that the proposed adult-use cannabis dispensing organization complies with all applicable state laws and regulations, as such laws and regulations may be adopted or amended from time to time.

D. Special use considerations. Adult-use cannabis dispensing organization special uses shall be processed in accordance with § 44-1707 (special uses) of this Chapter 44. Additionally, the Zoning Board of Appeals and the City Council, when determining to approve a special use permit, shall evaluate the following based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

(1) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

(2) Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/ security plan and building code compliance.

(3) Hours of operation and anticipated number of customers/employees.

(4) Anticipated parking demand, proximity to public transit and available private parking supply.

(5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

(6) Site design, including access points and internal site circulation.

(7) Proposed signage plan.

(8) Compliance with all requirements provided in Subsection H(1) (adult-use cannabis dispensing organization); as applicable.

(9) The number of adult-use cannabis business establishments already in operation, which shall not exceed two.

(10) Other criteria determined to be necessary to assess compliance with § 44-1707, Special uses, of this chapter.

E. General operational standards. The following requirements shall apply to all adult-use cannabis dispensing organizations:

(1) Applicant shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use, to ensure the safety of employees and customers of the adult-use cannabis dispensing organizations, as well as its environs. The improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis dispensing organization and the site on which it is located, consistent with the requirements of the Act.

(2) No consumption of cannabis may be permitted on the premises.

(3) Any cannabis, cannabis-infused products or cannabis waste on the premises must always be stored within secure refuse containers located within a restricted access area at all times prior to the destruction and disposal thereof,

which destruction and disposal must be performed pursuant to all applicable state laws and regulations, as may be amended from time to time.

(4) All advertising shall comply with advertising and promotional standards of the Cannabis Regulation and Tax Act and with the City of Bloomington Sign Code.

(5) Adult-use cannabis dispensing organizations may not be located in a dwelling unit or operated as a home occupation.

F. Screening and buffering. All adult-use cannabis dispensing organizations shall comply with the landscaping provisions, including transitional yard and screening requirements of Division 13 of this code.

G. Parking. Off-street parking shall be provided in accordance with Division 12 of this code.

H. Specific operational standards. The following additional requirements shall apply:

(1) Adult-use cannabis dispensing organization ("dispenser"). In those zoning districts in which an adult-use cannabis dispensing organization may be located, the proposed dispenser must comply with the following:

(a) Dispenser may not be located within 500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, residential care home, place of worship or park/playground. Learning centers and vocational/ trade centers shall not be classified as a public or private school for purposes of this section.

(b) Dispenser may not be located within 250 feet of the property line of a preexisting property zoned R1 A, R1 B, R1 C, R1 H, R2, R3A, R3B, R4 GAP 1, GAP 2, GAP 3, GAP 4.

(c) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispenser shall also sell food for consumption on the premises.

(d) Dispenser may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(e) Dispensers that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the Cannabis Regulation and Tax Act.

(f) Dispensers may not have a drive-through service window.

(g) All dispensers must be equipped with a secure unloading space for the reception of deliveries of recreational cannabis and recreational cannabis-infused products, which space must be:

[1] Located within an enclosed area of the principal structure in which the adult-use cannabis dispensing organization operates;

[2] Secured by doors that are closed and locked during all times that deliveries of recreational cannabis or recreational cannabis-infused products are unloaded; and

[3] A restricted-access area.

(h) All dispensers must be located at least 1,500 feet from the property line of another adult-use cannabis dispensing organization.

(i) Petitioner shall file an affidavit with the City affirming compliance with Subsection H(1) as provided herein and all other requirements of the Act.

§ 44-1040. [Ch. 44, Sec. 10-40] Multifamily conversions. [Added 2-8-2021 by Ord. No. 2021-5]

A. Size. Each residential unit shall be a minimum of 800 square feet.

B. Location of entrances. Only one entrance shall be located on the front facade of the structure.

C. Driveways. Each dwelling unit shall be served by one common driveway connecting all units to a public road or alley.

D. Parking. Each dwelling unit shall be required to have a minimum of one (1) off-street parking space. Tandem parking spaces (one car parked behind another) shall be prohibited.

§ 44-1041. [Ch. 44, Sec. 10-41] Office conversions. [Added 2-8-2021 by Ord. No. 2021-5]

A. Location of entrances. Only one entrance shall be located on the front facade of the structure.

B. Outdoor activity/storage. No outdoor activity or storage shall be permitted in conjunction with an office conversion use.

C. Location of parking. All off-street parking, as required by § 44-1208E of this UDO, shall be located in the rear of buildings.

D. Driveways. Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

E. Traffic. Office conversion uses shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount of the district.

F. Location of service, loading, and utility areas. Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.

G. Walkways. Pedestrian access shall be provided to the building entries and parking

areas connecting to the sidewalk at the street frontage.

H. Signs. Office conversion uses shall be permitted one monument sign. The sign shall not exceed six square feet in area nor four feet in height. Sign materials shall complement the building materials, colors, and architectural character of the primary structure.

Proposed Change

~~§ 44-1042. [Ch. 44, Sec. 10-42] Single-family detached new construction in R-D District. [Added 2-8-2021 by Ord. No. 2021-5]~~

Move to § 44-405 Development standards applicable to residential districts.

~~A. Orientation. The main entrance to a single-family detached dwelling shall face the primary street.~~

~~B. Accessory buildings and structures. Garages, accessory dwelling units, and other accessory buildings and structures shall not be located between the front facade of the primary structure and front lot line. Garages shall be accessed from the alley. If alley access is not available, garages may be accessed by a single-slab or ribbon driveway connecting the garage to the right-of-way. Single-slab driveways and driveway aprons for single-slab and ribbon driveways shall meet the standards of § 44-404C(2)(b).~~

~~C. Ribbon driveway design standards.~~

~~(1) Ribbons shall be a minimum of two feet wide and a maximum of three feet wide.~~

~~(2) Ribbons shall be a minimum of three feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass or other ground cover used in the front yard.~~

~~(3) Ribbons shall be concrete, including decorative concrete, patterned concrete, and exposed aggregate concrete, porous asphalt, concrete pavers, paving blocks, or similar materials approved by the City Engineer.~~

~~D. Architecture. Single-family detached new construction shall be similar in mass and character to abutting properties, including roof pitch, eaves, building materials, windows, trim, color and landscaping.~~

~~E. Quality materials. Exterior building materials shall be traditional, time-and weather-tested materials and techniques, such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.~~

Proposed Change

~~§ 44-1043. [Ch. 44, Sec. 10-43] Single-family attached new construction in R-D District. [Added 2-8-2021 by Ord. No. 2021-5]~~

Move to § 44-405 Development standards applicable to residential districts.

~~A. Orientation. The main entrances to a single-family attached dwelling shall face the primary street.~~

~~B. Accessory buildings and structures. Garages and other accessory buildings and structures shall be located in the rear of the primary structure. Garages shall be~~

accessed from the alley. If alley access is not available, garages may be accessed by a single-slab or ribbon driveway connecting the garage to the right-of-way. Single-slab driveways and driveway aprons for single-slab and ribbon driveways shall meet the standards of § 44-404C(2)(b).

C. Ribbon driveway design standards.

(1) Ribbons shall be a minimum of two feet wide and a maximum of three feet wide.

(2) Ribbons shall be a minimum of three feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass or other ground cover used in the front yard.

(3) Ribbons shall be concrete, including decorative concrete, patterned concrete, and exposed aggregate concrete, porous asphalt, concrete pavers, paving blocks, or similar materials approved by the City Engineer.

D. Architecture. Single-family attached new construction shall be similar in mass and character to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

E. Quality materials. Exterior building materials shall be traditional, time- and weather-tested materials and techniques, such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

Proposed Change

Move to § 44-405 Development standards applicable to residential districts.

~~§ 44-1044. [Ch. 44, Sec. 10-44] Multifamily new construction in R-D District. [Added 2-8-2021 by Ord. No. 2021-5]~~

~~A. Orientation. The main entrance to a multiple-unit dwelling building shall face the primary street.~~

~~B. Location of parking. All off-street parking, as required by § 44-1208E of this UDO, shall be located in the rear of buildings.~~

~~C. Driveways. Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.~~

~~D. Location of service, loading, and utility areas. Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.~~

~~E. Walkways. Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.~~

~~F. Architecture. Multifamily new construction shall be similar in mass and character to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.~~

~~G. Quality materials. Exterior building materials shall be traditional, time- and weather-tested materials and techniques, such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.~~

Proposed Change

~~**§ 44-1045. [Ch. 44, Sec. 10-45] Accessory dwelling unit conversion and new construction. [Added 2-8-2021 by Ord. No. 2021-5]**~~

Move to § 44-908 Accessory buildings and uses

~~A. Primary residence. The primary building shall be a single-family detached use and the primary residence of the owner of the property.~~

~~B. Size. Accessory dwelling units shall not be greater than 800 square feet or 50% of the size of the primary building, whichever is less.~~

~~C. Location. Accessory dwelling units shall comply with all location requirements for accessory buildings found in § 44-1043 and § 44-908.~~

~~D. Orientation. Only one entrance shall be located on the front facade of the primary building. Entrances to accessory dwelling units must be located on the side or rear facade.~~

~~E. Access. Accessory dwelling units shall be accessed from the alley. If alley access is not available, both the primary building and the accessory dwelling unit shall be served by one common driveway connecting the accessory dwelling unit to a public or private road.~~

~~F. Parking. A minimum of one parking space shall be provided for the accessory dwelling unit in addition to the parking space(s) required for the primary building. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one car is parked behind another, with the spaces required for the primary building shall be prohibited.~~

~~G. Architecture. Accessory dwelling units shall be similar in character to the primary building and to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.~~

Ord. No. 2022-99: NEW PROVISION CREATED

§ 44-1046 [Ch. 44, Sec. 10-46] Two-Family and Single-Family Attached Dwellings

A. Orientation. Any shared, main entrance shall face the primary street.

B. Location. The minimum required side-yard at interior lot lines shall be zero feet. The minimum distance between structures shall be at least 10 feet in any Zoning District.

ARTICLE XI
Nonconforming Buildings and Uses

§ 44-1101. [Ch. 44, 11-1] Purpose and intent.

A. Existing lots, buildings, structures and uses of land that were lawfully established and have subsequently been prohibited, regulated, or restricted under the adoption or amendment of this Code, shall be considered nonconforming.

B. Nonconforming uses are declared by this Code to be incompatible with permitted uses in the districts in which they are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming lot, building, structure, or use shall not be extended or enlarged after passage of this Code by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved.

(1) Authority to continue. It is the intent of this article to permit nonconforming lots, buildings, structures, and uses to continue, within the parameters established in this article, until they are removed, but not to encourage their continued use or survival.

(2) No expansion. It is the intent of this article that nonconforming lots, buildings, structures, and uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this article.

(3) Construction prior to effective date of this chapter. Nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.

(4) Acquisition of nonconformities. The City may acquire, through purchase or condemnation, private nonconforming lots, buildings, structures, and uses. The City Council may take action in the manner provided for by law.

§ 44-1102. [Ch. 44, 11-2] Nonconforming buildings and structures.

A. Where a lawful structure exists at the effective date of adoption or amendment of this Code that does not conform to the terms of this Code by reason of restrictions on the area, lot coverage, height, yards, its location on the lot, or other zoning requirements concerning the structure, such structure may be continued, regardless of any change in tenancy, ownership, or management, so long as it remains otherwise lawful, subject to the following provisions:

(1) A nonconforming building or structure shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in a manner that conforms to the requirements of this Code;

(2) A nonconforming building, structure or portion thereof may be altered to decrease its nonconformity;

§ 44-1103. [Ch. 44, 11-3] Nonconforming uses of land.

A. A nonconforming use may be continued so long as it remains otherwise lawful, provided:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;

(2) Nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.

(3) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code;

(4) A special use permit may be granted authorizing the change of a nonconforming use to another nonconforming use, provided that the City Council, after a public hearing by the Bloomington Zoning Board of Appeals shall find that the proposed use more compatible to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Code.

Ord. No. 2022-99

§ 44-1104. [Ch. 44, 11-4] Nonconforming lots.

Any lot of record at the effective date of adoption or amendment of this section may be used for any principal permitted use in that district, even though such lot does not conform to the area or width requirements of the district in which it is located. Any new structure erected on such a lot shall conform to the yard dimensions and other requirements of the district in which it is located.

§ 44-1105. [Ch. 44, 11-5] Discontinuance of use.

A. Whenever any building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of the Code, such premises shall not thereafter be used or occupied by a nonconforming use.

B. When a nonconforming use of a structure-is discontinued for any reason for a continuous period of one year, such use shall not be re-established, and the use of the premises shall thereafter conform to the requirements of this Code.

C. Where no enclosed building is involved, discontinuance of a nonconforming use for a continuous period of six months shall constitute abandonment, and the use of the premises shall thereafter conform to the requirements of this Code.

D. the exception of single-family structures, built as such, when a structure containing a nonconforming use is damaged to an extent exceeding 50% of its gross floor area or replacement value the nonconforming use shall not be re-established, and the premises shall thereafter conform to the requirements of this Code.

Ord. No. 2022-99

§ 44-1106. [Ch. 44, 11-6] Damage and destruction.

A. When a nonconforming structure or nonconforming portion of a structure is destroyed by any means to an extent exceeding 50% of its gross floor area or replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code;

B. This section shall not be applicable under the following two sets of circumstances:

(1) When government action impedes access to the premises;

(2) When the conversion of a structure originally designed as a single-family dwelling unit is restored to such a dwelling unit pursuant to § 44-902D.

§ 44-1107. [Ch. 44, 11-7] Repairs and alterations.

A. The ordinary repairs and maintenance of a nonconforming building or structure or a building containing a nonconforming use is permitted, including necessary non-structural repairs and incidental alterations that do not extend or intensify the nonconformity.

B. No structural alteration shall be made to a nonconforming building or structure, or in a building containing a nonconforming use, except in the following situations:

(1) When the alteration is required by law;

(2) When the alteration will result in elimination of the nonconformity;

(3) When a building in a residential district will be altered in a way to improve life safety or livability, provided that the structural alteration will not increase the number of dwelling units nor enlarge or expand the building.

ARTICLE XII
Off-Street Parking and Loading

§ 44-1201. [Ch. 44, 12-1] Purpose and intent.

The purpose of this section is to establish standards for off-street parking, loading, and site circulation in order to increase safety and reduce congestion in the streets, ensure adequate vehicle parking and circulation areas associated with the development of land, eliminate the on-street storage of motor vehicles, accommodate all surface transportation users, and avoid negative environmental and urban design impacts that can result from parking lots and other vehicular use areas.

§ 44-1202. [Ch. 44, 12-2] Applicability.

The off-street parking and loading standards of this section shall apply to any use or building hereafter established, erected, or substantially altered or enlarged; or any parking lot hereafter installed in the City of Bloomington.

A. Existing structures and facilities.

(1) All uses established after the effective date of this Ordinance shall provide off-street parking and loading space in accordance with the standards set forth in this section.

(2) No existing use shall be deemed nonconforming solely due to the lack of off-street parking, loading or site circulation facilities required by this section; provided, that facilities being used for off-street parking, loading and site circulation as of the date of adoption of the ordinance codified in this title shall not be reduced in number to less than that required by this section and shall be provided in compliance with this section as required herein.

B. Damage or destruction. When any building, structure, or use is damaged or destroyed by fire, collapse, explosion, or other cause, and is reconstructed, re-established or repaired in like kind to its previous use and extent, off-street parking or loading facilities equivalent to those maintained at the time of such damage or destruction shall be provided. However, in no case shall it be necessary to restore or maintain off-street parking or loading facilities in excess of those required by this Code.

C. Enlargement, expansion or change in use.

(1) Whenever the existing use of a building or structure erected prior to the effective date of this Code is changed to a new use, or the building or structure is enlarged or expanded, additional off-street parking or loading facilities conforming to the standards of this article shall be required. Enlargement or expansion shall be interpreted to include any of the following:

(a) The addition of new floor area;

(b) Increased occupancy loads as determined by the Fire Marshal;

(c) Increase in the number of dwelling units.

(2) Minor expansion. When the floor area of a structure is expanded by less than 20%, additional parking, loading and bicycle facilities for the new or expanded portion of the structure is required.

(3) Major expansion. When the floor area of a structure is expanded by 20% or more, the total structure shall require conformance with all provisions of this article.

(4) Any area designated as required off-street parking or loading shall not be changed to any other use unless and until equal facilities that meet the standards of this article are provided elsewhere, or the parking requirements of the site have changed as determined by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

D. Temporary encroachments. Temporary encroachments into required parking spaces for a seasonal sales display area may be authorized by the Economic and Community Development Director for up to 90 days during a calendar year, if the Director determines that adequate parking is available to meet the demand during the period of encroachment. **[Amended 10-26-2020 by Ord. No. 2020-69]**

E. Permissive parking and loading facilities.

(1) The voluntary establishment of off-street parking and loading facilities is permitted, provided that there is adherence to all regulations herein governing the location, design, and operation of such facilities and provided that such parking or loading facilities do not exceed the requirements of this section by more than 25%.

(2) The voluntary provision of off-street parking or loading that exceeds 25% of the requirements of this section may be approved through Site Plan Review procedures, if a determination is made that such facilities are needed based upon a parking demand study provided by the applicant.

§ 44-1203. [Ch. 44, 12-3] General provisions.

A. Use of off-street parking, stacking, and loading areas. Required off-street parking, stacking, and loading spaces shall be designated solely for the purposes specified herein. Each required off-street parking space shall be kept available at all times for parking of one motor vehicle.

B. Parking and loading area plan. No application for a building permit for a new, enlarged, or altered structure or improvement shall be issued, unless there is included with the application a plan showing the location, layout, and critical dimensions of all off-street parking, loading and pedestrian facilities, including bicycle racks where required. Such plan shall be drawn to scale and show vehicular access and circulation patterns.

C. Construction. Except as otherwise provided in this article, required off-street

parking, and loading facilities shall be completed prior to the issuance of the certificate of occupancy for the use they serve.

(1) A required parking lot shall be fully constructed within six months of receipt of a building permit and prior to the issuance of a Building Certificate of Occupancy for the use or uses it serves. The Director of Economic and Community Development may grant one extension for up to an additional six months in the event of adverse weather conditions or unusual delays beyond the control of the property owner or responsible person. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) In the case of phased development, off-street parking, stacking, and loading areas shall only be provided for the portions of the development for which a site plan has been approved or upon receipt of a temporary use permit for a surface parking lot.

D. Lighting. All off-street parking areas regulated by this Code shall have operational lighting fixtures directed away from residences in such a way as not to create a nuisance and in compliance with § 44-911 of this Code.

E. Storage of camping and recreational equipment. Any owner of camping and recreational equipment or domestic utility trailer may park or store such camping and recreational equipment or utility trailer in a Residential District subject to the following conditions:

(1) At no time shall such parked or stored camping and recreational equipment be occupied or used for dining, sleeping or housekeeping purposes while parked or stored in a residence district except for a period of not to exceed 14 days in one calendar year, provided, however, that such mobile home, travel trailer, pickup coach, motor-home or camping trailer may be used for only for sleeping purposes during such fourteen-day period;

(2) During the period from September 15th through April 15th, if the recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the principal structure on the lot;

(3) However, such camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed 24 hours per episode.

(4) Recreational equipment or domestic utility trailer must be parked a minimum of three feet from a side or rear yard lot line.

(5) If parked from April 16th through September 14th to the front of the front building line of the principal structure on the property, recreational equipment must be on a hard surface as defined in Article XVI of this Code. **[Amended 8-24-2020 by Ord. No. 2020-55]**

(6) If the recreational equipment is a self-propelled vehicle that is not stored on a trailer (such as a motor-home), it must be parked on a hard-surface whether it

is parked to the front or rear of the front line of the principal structure on the property. Camping trailers, domestic utility trailers, boats on trailers, and other items of recreational equipment stored on trailers need to be a compacted surface, as defined by Article XVI of this Code, if such recreational equipment is stored or parked to the rear of the front building line of the principal structure on the property. **[Amended 8-24-2020 by Ord. No. 2020-55]**

F. Maintenance.

(1) All parking, loading and circulation areas shall be maintained free of dust, trash, weeds, and debris. Surfacing, curbs, walkways, light fixtures, signs, and related appurtenances shall be maintained in good repair and safe condition at all times.

(2) The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

(3) All off-street parking, stacking, and loading areas required by this article shall be maintained free of accumulated snow or standing water that prevents full use and occupancy of the areas, except for temporary periods of heavy rainfall or snowfall not to exceed five days.

§ 44-1204. [Ch. 44, 12-4] Shared parking facilities.

A. Shared parking.

(1) Purpose. Shared parking is encouraged as a means of conserving land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

(2) Authorization. Shared parking facilities for off-street parking of two or more buildings or uses may be approved by the Economic and Community Development Director subject to compliance with this section. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(3) Location.

(a) Shared parking facilities for residential uses shall be located within 300 linear feet of the primary entrance of the main building.

(b) Shared parking facilities for all other uses shall be located within 500 linear feet of the primary entrance of the main building.

(c) A shared parking facility shall only be authorized in a Residential District if it serves one or more residential uses exclusively.

(4) General requirements.

(a) The number of parking spaces provided shall not be less than the sum of the separate requirements for each such building or use. Where a mix of two or more land uses creates staggered peak periods of parking demand

due to different hours of operation, shared parking agreements that have the effect of reducing the total amount of required parking may be approved.

(b) Accessible parking spaces for persons with disabilities may not be shared and shall be located on-site.

(c) Adjacent lots that are subject to a shared parking agreement shall be interconnected by provision of cross-access for vehicular passage.

(5) Shared parking for uses with different hours of operation.

(a) For purposes of this section, the following uses are considered daytime uses:

[1] Customer service, professional and administrative offices;

[2] Retail sales uses, except eating and drinking establishments, hotels and motels, and entertainment-related uses;

[3] Warehousing, wholesaling, and freight movement uses;

[4] Manufacturing, production, and industrial service uses; and

[5] Other similar primarily daytime uses, as determined by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(b) For purposes of this section, the following uses are considered evening or Weekend uses:

[1] Auditoriums accessory to public or private schools;

[2] Places of worship;

[3] Entertainment-related uses, such as theaters, bowling alleys, and dance halls; and

[4] Other similar primarily nighttime or Sunday uses, as determined by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(c) The applicant(s) shall demonstrate, through a shared parking analysis, that there is no substantial conflict in the principal operating hours or peak periods of parking demand of the uses for which shared parking is proposed.

(6) Shared parking study. The applicant(s) shall submit a shared parking analysis that demonstrates the feasibility of shared parking. The study shall include, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces. If

existing land uses are to be included in the shared parking agreement, the study shall also include parking counts that document parking occupancy during weekday, weekend, daytime and evening periods of peak and off-peak parking demand.

(7) Agreement. The applicant(s) shall provide a copy of the executed shared parking lease or agreement prior to the City's authorization of a shared parking facility.

(a) Shared parking leases or agreements shall have a term of not less than five years, including any renewals at the option of the lessee.

(b) Authorization of the shared parking facility will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required by this section.

B. On-street and public parking.

(1) In a Business or Public Interest District, the use of adjacent on-street parking or publicly-owned parking facilities to meet a portion of the minimum off-street parking requirements shall be permitted, provided the following conditions are met:

(a) On-street spaces are located adjacent to the property or public parking facilities (i.e., public lots or parking structures) are located within 500 linear feet of the primary entrance of the main building;

(b) No more than 50% of the off-street parking requirement provided through on-street spaces, public lots, or parking structures;

(c) The intensity of the use and its parking requirements will not have a substantial adverse impact to surrounding uses; and

(d) There is no negative impact to existing or planned traffic circulation.

(2) A parking demand study may be required to demonstrate that adequate available spaces exist on street or in a public parking facilities.

§ 44-1205. [Ch. 44, 12-5] Location and yard requirements.

A. Parking spaces required for all nonresidential and multifamily uses shall be located on the same lot or an adjoining lot, provided however, that where 10 or more parking spaces are required, such parking spaces may be provided in a shared parking facility subject to requirements of § 44-1204.

B. Off-street parking spaces uses shall be located on a lot as follows:

(1) No off-street parking spaces shall be permitted in the required front yard or required front transitional area, unless otherwise provided in this Code.

(2) All new and approved off-street parking spaces and driveways shall be located at least three feet from any side lot line.

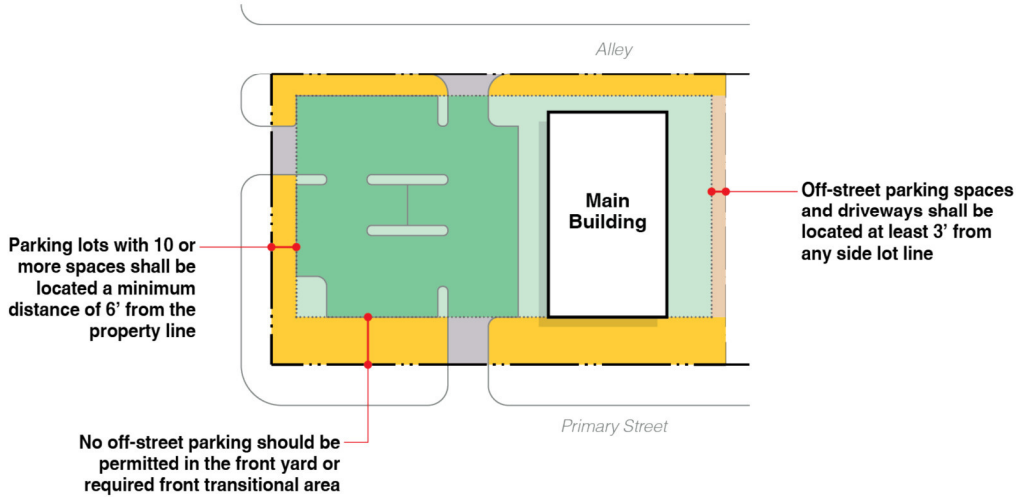
(3) Where 10 or more parking spaces are required, off-street parking areas shall be located a minimum distance of 12 feet from the property line, in front yards, and six feet from the side and rear property lines to accommodate a landscaped perimeter as provided in Article XIII. **[Amended 8-24-2020 by Ord. No. 2020-55]**

(4) Legal nonconforming driveways may be reconstructed, but not expanded, at their existing location.

(5) Residential driveways shall comply with standards contained in § 44-404C of this Code.

Diagram 1205B

Off-Street Parking Spaces



§ 44-1206. [Ch. 44, 12-6] Parking design standards.

A. Access.

(1) All off-street parking, stacking, and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.

(2) Each required parking space shall open directly upon an aisle, or driveway of such width and design as to provide safe and efficient means of vehicular access and egress. Except for driveways serving single-family and two-family dwelling units, access to a parking space shall not require backing across a street property line or re-entering a public right-of-way.

(3) Off-street parking areas with three or more required spaces shall be configured so that a vehicle may enter and leave a parking space without moving another

vehicle. Tandem parking may be approved for valet parking and similar purposes pursuant to Site Plan Review procedures.

(4) Access to an off-street parking area that serves a nonresidential use shall not be permitted across lots that are residential in use or located in a Residential District.

(5) Where the parking area of a corner lot abuts an alley or a corner side street, access to the parking area shall be obtained from the alley or corner side street. Alternate access from a primary street may be approved through Site Plan Review procedures if a determination is made that it is infeasible to fulfill this standard.

(6) On any parcel, curb cuts for access to the right-of-way shall be approved by the City Engineer. In residential areas, only one driveway opening will be allowed if the lot width is less than 100 feet.

B. Large parking lots (200 or more parking spaces).

(1) Primary drive aisles shall be located across from streets or driveways to avoid conflicting traffic movements and facilitate the safe flow of traffic.

(2) Large off-street parking lots shall be designed to simulate a grid pattern through the placement of landscape islands, buildings, and drive aisles.

(3) Block lengths within the grid should not exceed 600 linear feet between the center lines of intersecting streets or primary drive aisles. In cases where a block length exceeds 600 feet due to topography, natural features or other physical constraints, sidewalks shall be provided mid-block to connect parallel streets or drive aisles.

C. Curbs and vehicle stops.

(1) All off-street parking lots, access drives and aisles, and other vehicle maneuvering areas shall provide perimeter curbs.

(2) Off-street parking stalls shall provide curbs, vehicle stops or similar devices to prevent vehicles from overhanging on or into public right-of-way or adjacent property, structures, fences, or screens.

(3) Vehicle stops shall be located 2.5 feet from a fence or wall.

(4) When a parking space abuts a landscaped area, the front two feet of the parking space may overhang a landscaped area.

(5) A parking space may overhang a walkway by up to two feet, provided that curbs or vehicle stops are installed to ensure that a minimum five-foot walkway clearance is maintained.

D. Defined areas. Off-street parking areas of three or more spaces and off-street loading areas shall include painted lines, curbs, vehicle stops or other similar

identifiers to delineate parking and loading areas.

E. Accessible parking. Parking lots shall provide accessible parking spaces and accessible access routes for persons with disabilities in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable. The provision of accessible parking shall count toward fulfillment of off-street parking requirements.

F. Surfacing requirements.

(1) Parking lots. All off-street parking, stacking, and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material as approved by the City Engineer. Surfaces such as pervious asphalt, pervious concrete, or turf blocks are permitted; subject to the requirements of this chapter and other City policies pertaining to stormwater management.

(2) Driveways.

(a) Driveways leading to parking lots of 10 parking spaces or more shall conform to the requirements of § 44-1206F(1) of this Code. **[Amended 8-24-2020 by Ord. No. 2020-55]**

(b) Aprons on all driveways shall conform to the following standards:

[1] A 1 1/2 inch bituminous concrete surface on a four-inch base of bituminous aggregate mix; or

[2] A two-inch bituminous concrete surface on an eight-inch base of crushed gravel or crushed stone; or

[3] A six-inch Portland cement concrete or five-inch reinforced with wire mesh or structural equivalent of any of the foregoing as determined by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

G. Drainage.

(1) All parking lots shall be sloped and/or drained to prevent surface water from such lots from running onto adjoining property in unreasonable volumes.

(2) All ramped parking lots and un-ramped parking lots containing 10 or more parking spaces shall provide flood routes to direct excess water in a way that results in the least amount of harm to adjoining properties and shall dispose of surface water in one of the following methods when approved by the City Engineer:

(a) Surface drainage across sidewalks, if any, onto adjacent public right-of-way, unless such drainage would either:

[1] Cause flooding of the adjacent public right-of-way; or

[2] Flow longitudinally along any sidewalk adjacent to such lot or

otherwise impair pedestrian use of such sidewalk;

(b) Use of inlets and storm sewer facilities capable of draining the lot from a storm of five year magnitude or greater;

(c) Retention of water on the premises;

(d) Underground drainage across other private property to an approved outlet;

(e) And permeable pavers as approved by the City Engineer.

H. Dimensional standards.

(1) Off-street parking spaces shall be designed in accordance with Table 1206I: Dimensional Standards for Parking Spaces and Aisles.

(2) All parking spaces shall have a minimum vertical clearance of seven feet.

(3) Compact spaces. Up to 30% of all provided parking spaces may be compact vehicle parking spaces. Dimensions for compact spaces are shown in Table 1206I.

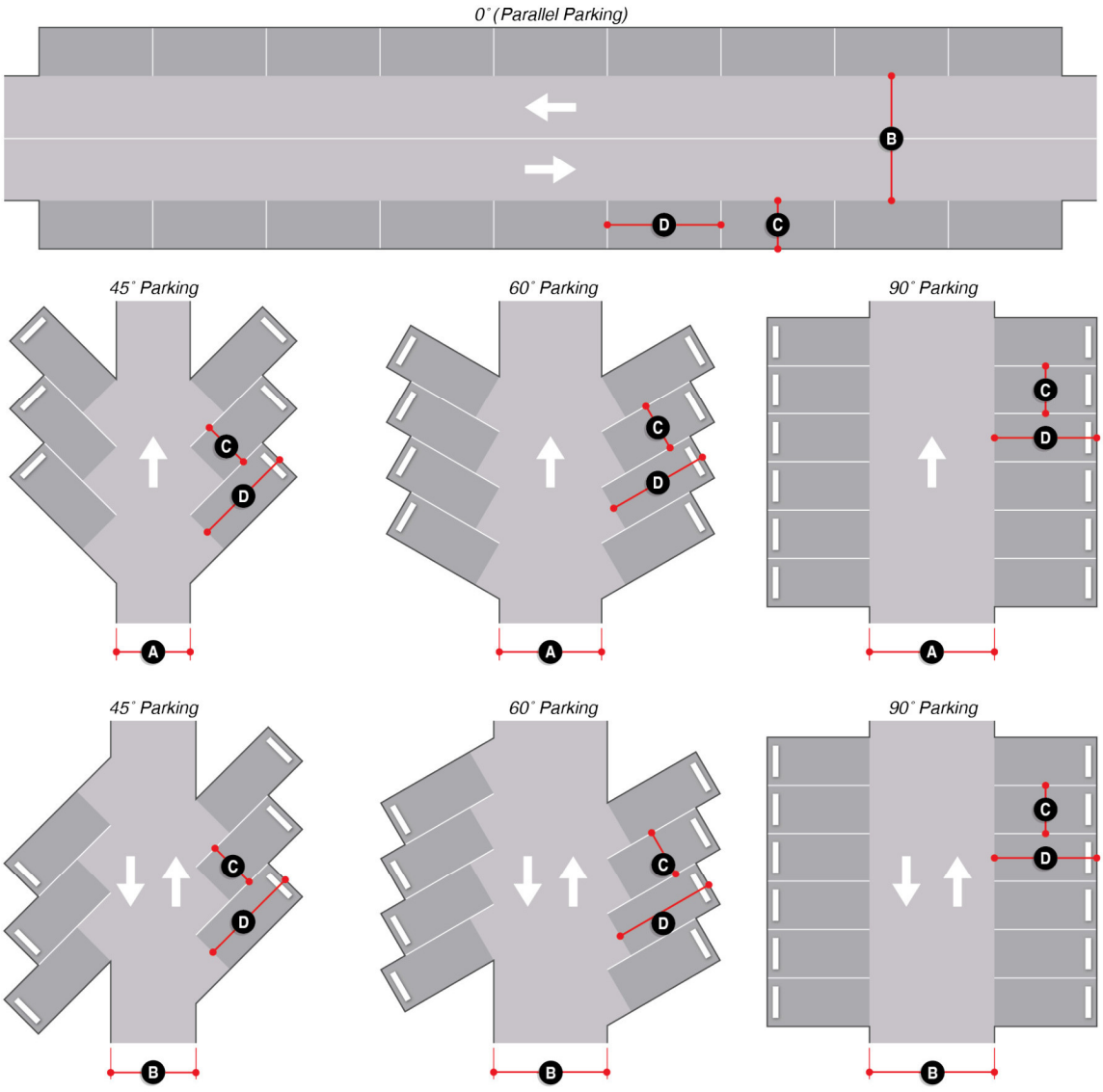
(4) All parking spaces and aisles shall comply with the following minimum requirements.

Table 1206I: Dimensional Standards for Parking Spaces and Aisles

	0° (Parallel)		45°		60°		90°	
	Typical	**Compact**	**Typical**	**Compact**	**Typical**	**Compact**	**Typical**	**Compact**
A - Width of Aisle: One-Way	11 feet	11 feet	12 feet	12 feet	16 feet	16 feet	20 feet	20 feet
B - Width of Aisle: Two-Way	12 feet	12 feet	20 feet	19 feet	20 feet	19 feet	24 feet	23 feet
C - Width of Space	8.5 feet	8 feet	8.5 feet	8 feet	8.5 feet	8 feet	8.5 feet	8 feet
D - Depth of Space	20 feet	19 feet	19 feet	18 feet	20 feet	19 feet	18 feet	17 feet

Diagram 1206

Dimensional Standards for Parking Spaces and Aisles



§ 44-1207. [Ch. 44, 12-7] Drive-through facilities.

A. Purpose. Stands for drive-through facilities are provided to ensure safe site circulation and adequate vehicle queuing at drive through facilities. These standards are applied in addition to all other applicable standards of this Code.

B. Location.

(1) Drive-through facilities shall not be located closer than 120 feet of a Residential District boundary.

(2) Drive-through facilities, inclusive of stacking lanes, shall be located to the side or rear of a principal structure and shall not extend beyond the front building wall. Alternate placement of the drive-through facility may be approved through Site Plan Review procedures if a determination is made that it is infeasible to fulfill this requirement.

C. Access.

(1) Drive-through stacking lanes shall be separated from driveways and drive aisles.

(2) Access to queuing lanes shall in no way inhibit ingress or egress to the building or any off-street parking area, inhibit the flow of traffic throughout and within the off-street parking area, or encroach upon any public rights-of-way.

(3) The stacking lane shall be designed to accommodate at least the minimum number of stacking spaces required for each use.

(4) Stacking lanes and egress for drive-through facilities shall not cross or pass through pedestrian walkways, without providing appropriate crosswalk safety measures, pavement markings and signs as approved by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(5) A bypass lane shall be provided.

D. Dimensional standards.

(1) Stacking lanes for drive-through facilities shall have the following minimum lane widths:

(a) One lane: 12 feet.

(b) Two or more lanes: 10 feet per lane.

(c) Bypass lane: 10 feet.

(2) The minimum depth of each space in the stacking lane shall be 20 feet.

E. Management. A property owner shall not allow vehicle stacking to overflow into primary drive aisles or any public street. As needed to contain drive-through activity on site, management of drive-through facilities may require additional attendants, designation of vehicle waiting and pick up areas, or other measures to ensure safe vehicle and pedestrian circulation.

F. Stacking standards.

(1) For any drive-through facility, a minimum of two queuing spaces shall be provided per bay, unless otherwise required by Table 1207C.

(2) Unless otherwise indicated, minimum vehicle queuing is required per lane or bay.

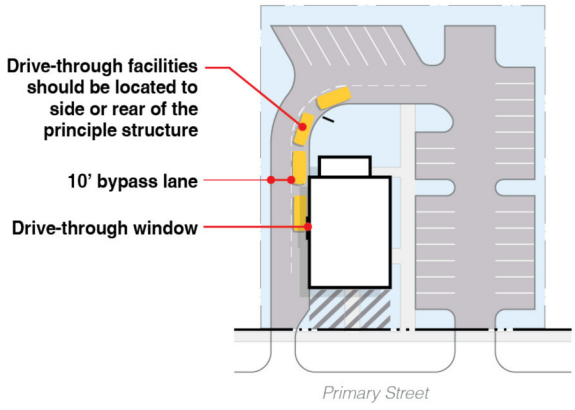
(3) Spaces located adjacent to a point of service, such as a window or car wash bay, shall not count toward compliance with queuing requirements.

Table 1207C: Drive-Through Queuing Requirements	
Use Type	**Minimum Vehicle Queuing**
Financial Services	6 total; may be reduced to 3 per lane if more than 1 window or bay is provided
Car Wash	7
Specialty Food - Coffee Shops	10
Restaurant	8
Pharmacy	3

G. Site plan review. Modifications to drive through requirements may be approved through Site Plan Review if a determination is made that such modification would be appropriate due to site constraints or queuing demand experienced by a particular use, based upon an independent study that analyzes peak and off-peak vehicle queuing, vehicle turnover, and data (queuing counts) collected from the same or comparable use in terms of density, scale, bulk, area, type of activity and location.

Diagram 1207D

Drive-Through Queuing



§ 44-1208. [Ch. 44, 12-8] Off-street parking requirements.

A. Minimum requirements. Except as otherwise expressly provided herein, off-street parking spaces shall be provided in accordance with the parking ratio requirements of Table 1208E.

B. Parking demand study. For the purposes of determining required parking for an

unlisted use or in consideration of application for shared or reduced parking, the Economic and Community Development Director may require the submittal of an independent parking demand study that analyzes parking demand based on the parking generation standards of the Institute of Traffic Engineers (ITE) or Urban Land Institute (ULI), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity and location. **[Amended 10-26-2020 by Ord. No. 2020-69]**

C. Exemptions.

(1) When the application of the off-street parking regulations specified hereinafter results in a requirement of not more than three parking spaces for any nonresidential use, such parking spaces need not be provided. However, where two or more uses are located on a single lot, only one of these uses shall be eligible for the above exemption. In no instances shall this exemption apply to dwelling units.

(2) The minimum number of off-street parking spaces required by Table 1208E of this Code shall be waived for nonresidential uses in the D-1 Central Business District established by § 44-501 of this Code.

D. Computation. The following rules apply when calculating the required number of parking spaces:

(1) Multiple uses. Unless otherwise expressly stated, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all use categories.

(2) Fractions. When computation of the required number of off-street parking spaces results in a requirement of a fractional space, a fraction of less than 1/2 shall be disregarded and a fraction of 1/2 or more shall counted as one space.

(3) Occupancy or capacity-based standards. When computation of the required number of off-street parking spaces is based upon employees, students, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

(4) Floor area. Where floor area is the unit of measurement to determine the required number of off-street parking and loading spaces, Gross Floor Area (GFA) shall be used. For the purposes of calculating required parking, designated outdoor dining, seating and sales areas shall be applied toward the floor area.

(5) Bench seating. In calculating bench seating for places of assembly, each continuous four-foot segment of benches, pews or other similar seating shall be counted as one seat.

(6) Unlisted uses. Upon receiving a development application for a use not specifically listed in Table 1208E, the Economic and Community Development Director is authorized to apply the parking ratio specified for the listed use that is deemed most similar to the proposed or establish a different minimum parking requirement on the basis of a Parking Demand Study. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(7) Stalls. Where vehicle stalls are used as a measurement, all calculations shall be based on the number of service bays, garage door openings or booths.

E. The minimum number of motor vehicle parking spaces shall be provided in accordance with Table 1208E, Motor Vehicle Parking Space Requirements, below. **[Amended 12-16-2019 by Ord. No. 2019-89; 10-26-2020 by Ord. No. 2020-69]**

Table 1208E: Off-Street Parking Requirements

Use Category	Specific Use	General Requirement
AGRICULTURAL		
Agriculture	Aquaculture, aquaponics, hydroponics; horticultural services; medical marijuana cultivation; animal breeding services; fish hatcheries; poultry hatcheries	1 space per 600 GFA
	All other agricultural	None
Forestry	All forestry	None
RESIDENTIAL		
Household Living	Dwelling ~~Unit~~, single-family	1 spaces per dwelling ~~unit~~
	Dwelling ~~Unit~~, single-family attached; two-family; multiple-family; live/work	1.5 spaces per efficiency or one-bedroom dwelling unit; 2 spaces per 2 or more-bedroom dwelling units
	Mobile homes	2 spaces per unit
	Dwelling Unit, accessory	1 space per unit
Group Living	Agency-operated family homes	2 spaces per home
	All other group living uses	1 space per 2 beds
INSTITUTIONAL		
Education	Preschools	1 space per 250 GFA
	High schools	1 space per 4 seats in main assembly area, but not less than 5 per classroom
	Boarding schools	Determined by Economic and Community Development Director
	All other public and private schools	1 space per 4 seats in main assembly area, but not less than 1 per classroom
	Business and trade schools, college/university satellite classrooms	The greater of 1 space per 200 feet or 1 space per 4 seats
Government	Animal detention facilities	1 space per 400 GFA
	Government services and facilities	1 space per 200 GFA
	Military bases, depots, communications facilities	1 per 300 GFA
Health	Ambulatory surgical treatment center	1 space per 250 GFA
	Hospital or medical center	1 space per 2 beds
Religious	Place of worship	The greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area
	Columbarium	1 space per 10 storage cubicles

Proposed Change

Table 1208E: Off-Street Parking Requirements		
Use Category	**Specific Use**	**General Requirement**
Residential-Type Institutional	Adult and juvenile detention facilities	1 per 1,500 GFA
	Domestic violence shelter	1 space per 2 beds
	Home for the aged (assisted living, independent living, memory care, etc.)	1 space per 2 occupants
	Nursing home	1 space per 3 beds
Other Institutional and Cultural Uses	Clubs and lodges	1 space per 200 GFA
	Food pantry	Off-street parking requirements will be based upon the principal use of the structure containing the food pantry
	Libraries, museums, and cultural institutions	1 space per 250 GFA
RECREATIONAL		
Recreational Facilities	Country, golf, and swimming clubs	1 space per 200 GFA
	Golf courses	75 spaces for 9 hole course; 150 spaces for 18 hole course
	Community center	The greater of 1 space per 200 GFA or one per 4 occupants at maximum capacity
	Fairgrounds, agricultural exhibits	Spaces equivalent to 30% of peak daily attendance, as adduced from testimony before the Zoning Board of Appeals
	Riding stables, riding schools	The greater of 1 space per 200 GFA or 1 per 4 occupants at maximum capacity
	Swimming pools, community	1 per 4 occupants at maximum capacity
COMMERCIAL		
Aircraft and Automotive	Aircraft, farm machinery, vehicle sales and service	1 space per 250 GFA
	Car wash, truck wash	1 space per 200 GFA sales, office, or waiting area
	Towing services, vehicle salvage and wrecking, vehicle storage	The greater of 1 space per 2,400 GFA or 2 spaces
	Truck stops, truck plazas, vehicle fueling stations	1 space per 250 GFA
	Vehicle repair and service	3 spaces per service bay
	Vehicle rental service	1 space per 500 GFA
Amusement Parks	Go-kart and race-kart tracks	The greater of 1 space per 4 seats in the grandstand or viewing area, or 1 per 4 occupants at maximum occupancy
	All other amusement parks	1 space per 100 GFA activity area
Commercial Recreation	Archery, rifle and shooting ranges	The greater of 2 spaces per target area or 1 space per 200 GFA
	Arcades, game centers	1 space per 2 amusement game machines
	Bowling establishments	3 spaces per lane
	Driving ranges	1 space per tee box
	Miniature golf courses	1 space per hole
	All other commercial recreation	1 space per 300 GFA
Entertainment and Hospitality	Community reception establishments	1.2 spaces per 100 GFA designated for the use
	Entertainment and exhibition venues	The greater of 1 space per 4 seats or 1 space per 200 GFA
	Sexually oriented entertainment businesses	1 space per 160 GFA

Ord. No. 2022-99

Table 1208E: Off-Street Parking Requirements		
Use Category	**Specific Use**	**General Requirement**
	Sports and fitness establishments	1 space per 200 GFA
	Theaters and auditoriums	1 space per 4 seats
Lodging	Bed-and-breakfast establishments	2 spaces for the operator; plus 1 space for each bedroom
	Boarding and rooming houses	1 space per 400 GFA
	Camps and camping establishments	2 spaces for managers office
	Hotel or motel	1 space per room, plus 1 space per 200 GFA conference or restaurant area
Offices	Financial services	1 space per 300 GFA
	General offices, business or professional	1 space per 200 GFA area for the first 2,000 square feet (minimum of 3 spaces); plus, 1 space per 300 GFA for floor area exceeding 2,000 square feet
	Medical or dental office or clinic	1 space per 250 GFA
	Medical or research I laboratory	1 space per 300 GFA
	Printing, copying and mailing services	1 space per 250 GFA
	Recording and broadcast studios	1 space per 160 GFA
Personal Services	Clothing Care: tailor, dry cleaning, coin laundry, shoe repair, etc.	1 space per 250 GFA
	Day-care center	1 space per employee
	Funeral parlor, mortuary	1 space per 100 GFA
	Instructional studios	1 space per 160 GFA
	Kennels	1 space per 400 GFA
	Personal care: barber shop, beauty salon, day spa, etc.	1 space per 250 GFA
	Veterinary office or clinic; pet care (grooming, day care, training)	1 space per 250 GFA
Retail and Service	Adult-use cannabis dispensing organization	1 space per 250 GFA
	Artisanal/craft production and retail	1 space per 250 GFA
	Bars, taverns, and nightclubs	1 space per 50 GFA
	Building materials and supplies	1 space per 300 GFA
	Catering services	1 space per 1,000 GFA
	Mobile food and beverage vendor	1 space per 100 GFA
	Furniture sales	1 space per 600 GFA
	Restaurants, cafeterias	1 space per 100 GFA
	Restaurant, carry-out only	1 space per 250 GFA
	Restaurant with drive-through	1 space per 50 GFA
	Retail sales	1 space per 250 GFA
	Sexually oriented business	1 space per 160 GFA
	Grocery stores, Supermarkets	1 space per 250 GFA
	Specialty food shops	1 space per 500 GFA
	Vehicle service, general or limited	3 spaces per service bay
	Vehicle sales and rental	1 space per 500 GFA
INDUSTRIAL		
Manufacturing and Production, Light	Commercial cleaning and repair services	1 space per 250 GFA

Table 1208E: Off-Street Parking Requirements		
Use Category	**Specific Use**	**General Requirement**
	Commercial community kitchen	1 space per 1,000 GFA
	Crematories	1 space per 400 GFA
	Trade and construction services	1 space per 250 GFA
	Wholesaling and distribution	1 space per 1,000 GFA
	All other light manufacturing and production uses	1 space per 600 GFA
Manufacturing and Production, Heavy	All heavy manufacturing and production uses	1 space per 1,000 GFA
	All other waste services	1 space per 1,000 GFA
Storage and Equipment Yards	Aircraft, marine craft, petroleum products, and other similar storage.	1 space per 2,400 GFA
	Marinas	1 space per 2 boat slips; plus 1 space per 200 GFA
	Mini Warehouses	1 space per 25 storage lockers plus 2 spaces for manager's office
	Storage facilities, multi-tenant	1 space per 1,200 GFA
	Storage facilities, single tenant	1 space per 2,400 GFA
Transportation	Airports, heliports, and landing fields	1 space per 200 GFA
	Passenger terminals	1 space per 400 GFA passenger terminal area
	Public or private utility facility, minor	For manned facilities, the greater of 1 space per 1,200 GFA or 2 spaces
	Wireless Communication Facilities	1 space per equipment cabinet for towers

§ 44-1209. [Ch. 44, 12-9] Adjustments to required parking. [Amended 10-26-2020 by Ord. No. 2020-69]

Notwithstanding Table 1208E, the following adjustments to required parking are permitted upon approval of the Director of Economic and Community Development.

Table 1209: Adjustment to Required Parking		
Adjustment Type	**Criteria**	**Adjustment Amount**
Transit	Resident or nonresident use (other than an after-hours establishment) is located within 900 feet of a public transit route.	10% reduction
Pedestrian Access	Nonresidential use is located where residents of all residential and mixed-use areas within 1,320 feet of the subject property can walk to and from the nonresidential use on a continuous sidewalk system (ignoring intervening streets).	10% reduction

Table 1209: Adjustment to Required Parking		
Adjustment Type	**Criteria**	**Adjustment Amount**
Public Parking Lots	Nonresidential use is located within 900 feet of a parking lot that is available for use by the public without charge (either directly or through a validation program in which the subject use participates).	10% reduction
On-Street Parking	Single-family or duplex residential is located along one or more public street frontages where public parking is permitted.	One legal on-street parking space (to a maximum of 2 parking spaces) can be substituted for every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50% or more of the space is located.
	Multifamily residential or nonresidential use located along one or more public street frontages where public parking is permitted.	One legal on-street parking space can be substituted for 0.5 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment

§ 44-1210. [Ch. 44, 12-10] Other parking uses.

A. Carpool or vanpool vehicles. Parking spaces reserved, signed, and enforced for carpooling or vanpooling services may count as two regular parking spaces.

B. Car sharing services. Parking spaces reserved, signed, and enforced for car-sharing services may count as four regular parking spaces.

C. Electric vehicle charging. Any parking space may be equipped with a power outlet or similar apparatus for electric vehicle charging. Electric vehicle charging stations for public use may provide non-illuminated directional signage, subject to approval by the Economic and Community Development Director, to identify the location of charging stations. **[Amended 10-26-2020 by Ord. No. 2020-69]**

§ 44-1211. [Ch. 44, 12-11] Loading design standards.

A. Purpose. In all Districts, every building occupied by one or more uses that require the receipt or distribution of materials or merchandise by vehicles shall provide and maintain off-street loading spaces as required by this section.

B. Location.

(1) All required loading berths shall be off-street and shall be located on the same lot as the building to be served.

(2) No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two street right-of-way lines.

(3) Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a street.

(4) Adjacent to a Residential District, a loading space shall not be located closer than 30 feet to the Residential District line unless it is contained within a completely enclosed building or enclosed on all sides by a wall or solid fence not less than six feet in height.

(5) Loading and unloading activity shall not be permitted in any public right-of-way, except in the D-1 Central Business District, D-2 Downtown Transitional District or D-3 Downtown Warehouse and Arts District as authorized by the Director of Public Works.

C. Access. Each required loading berth shall be served by appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements as determined by the Director Public Works. Loading/unloading operations shall not interfere with the normal movement of vehicular and pedestrian traffic in public rights-of-way, off-street parking areas or internal drives and sidewalks.

D. Parking and loading area plan. The vehicular path and turning radii to the loading area must be shown on the Parking and Loading Area Plan that is required pursuant to § 44-1203B to verify truck maneuverability for the largest truck intended to serve the use.

E. Surfacing. All open loading berths shall be constructed on a stabilized subgrade with a pavement design meeting one of the following requirements:

(1) Hot Mix Asphalt (HMA) or Warm Mix Asphalt (WMA) pavement at least eight inches thick constructed in not less than two lifts with the final surface

course being not greater than a two-inch lift. Bituminous Aggregate Mixture (BAM) may be included as part of the overall asphalt structural thickness.

(2) Portland Cement Concrete (PCC) pavement at least six inches thick with steel or fiber reinforcement.

(3) Portland Cement Concrete (PCC) pavement at least eight inches non-reinforced.

(4) Other pavement designs may be approved by the Director of Public Works based on a formal submittal of the pavement design calculations prepared by a licensed engineer.

F. Repair and service. No storage of any kind, nor motor vehicle repair work or service of any kind, shall be permitted within any required loading berth.

G. Space allocated. Space allocated to be required loading berth shall not be used to satisfy any requirement of this Code for off-street parking spaces.

H. Site plan review. Modifications to loading space and location requirements may be approved through Site Plan Review if a determination is made that such modification would be appropriate due to site constraints, or the number of deliveries experienced by a particular use.

§ 44-1212. [Ch. 44, 12-12] Off-street loading requirements.

A. Dimensional standard. A required loading berth shall be at least 10 feet in width by at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least 14 feet.

B. The minimum number of loading spaces shall be provided in accordance with Table 1212B, Loading Space Requirements, below.

Table 1212B: Loading Space Requirements

Use Type	Size	Loading Space(s)
Residential	0 — 24 dwelling units	0-4 None
	> 25 dwelling units	1
Nonresidential	Less than 20,000 GFA	None
	20,000-74,999 GFA	2
	75,000-99,999 GFA	3
	> 100,000 GFA	4 5
GFA = Gross Floor Area		

C. If a single loading space is required, an alley may be used in lieu of the required loading space.

§ 44-1213. [Ch. 44, 12-13] Bicycle parking requirements.

A. Purpose. This section is established to ensure provision of bicycle parking facilities in furtherance a safe, complete, and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode.

B. Location.

(1) Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.

(2) Bicycle racks shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach.

(3) The location of bicycle parking shall not conflict with pedestrian and/or motor vehicle circulation.

(4) Bicycle parking shall be sited within 50 feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.

(5) Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.

C. Design criteria.

(1) Bicycle facilities shall be of high quality and reflect the architecture of the primary structure.

(2) Bicycle racks shall be installed on a hard surface parking area. The hard surface surrounding each bicycle rack shall measure at least six feet by six feet in size.

(3) Each bicycle rack shall provide parking for at least two bicycles.

(4) Racks shall allow for the bicycle frame and at least one wheel to be locked to the racks.

(5) The bicycle rack shall allow for the use of a cable as well as a U-shaped lock.

(6) Installation of bicycle parking facilities shall conform to the manufacturer requirements.

D. Dimensional standards.

(1) Each bicycle parking space shall be a minimum six feet in length.

(2) Bicycle racks shall be located at least three feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.

(3) A minimum vertical clearance of seven feet shall be maintained above all bicycle parking facilities.

E. Required bicycle parking.

(1) Exemption. The bicycle parking requirements of this section shall apply to all uses other than the following uses:

(a) Any use in the D-1 Central Business District;

(b) Any Industrial Use (includes light and heavy manufacturing, storage and equipment yards, transportation, utilities).

(c) Country Clubs, Golf Clubs, Golf Courses;

(d) Fairgrounds, Agricultural Exhibits;

(e) Hotel/motel;

(f) Mobile food vending;

(g) Residential Single-Family, Single-Family Attached, Two-Family, Mobile Homes;

(h) Riding Stables, Riding Schools;

(i) Roadside Markets;

(j) Truck Stops, Truck Plazas; Truck Washes.

(k) Vehicle Salvage and Wrecking Operations;

(l) Vehicle storage;

(m) Any similar use to the uses listed herein, or any use exclusively oriented to motor vehicles, as determined by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) When the required amount of bicycle parking is two spaces or less, the use shall provide a minimum of two spaces in a bicycle parking facility.

(3) Unless otherwise specified herein, bicycle parking shall be provided at the ratio specified in Table 1212E.

Table 1212E: Bicycle Parking Requirements

Use Type	Bicycle Parking
Residential	0-5 dwelling units — none
	> 5 dwelling units — 25% of required vehicle parking
Nonresidential	5% of required vehicle parking (up to 20 bicycle spaces)
	2.5% of required vehicle parking (> 21 bicycle spaces)

F. Motor vehicle parking reduction. Parking requirements may be reduced by one off-street parking space for every four bicycle parking spaces; provided, however, that the total number of required motor vehicle parking spaces shall not be reduced by more than 10%.

G. The provisions of this section may be waived or modified through Site Plan Review procedures if a determination is made that it is infeasible to fulfill bicycle parking requirements due to site constraints, proximity to existing bicycle parking, and the nature of the proposed building or use.

§ 44-1214. [Ch. 44, 12-14] Mobility and circulation.

A. Purpose. The purpose of this section is to establish mobility and circulation standards that allow reasonable access to properties; create a continuous network of non-motorized pathways within and between developments; maintain the capacity of existing public infrastructure as land development occurs; ensure safe access to and from streets by emergency vehicles; and reduce interference with through traffic by other vehicles, bicycles, and pedestrians.

B. Street and site connectivity.

(1) Internal circulation drives shall be arranged to promote the alignment and continuation of existing or proposed streets and drives into adjacent lots, developed or undeveloped.

(2) Cross access. In any Business, Manufacturing or Public Interest District, vehicular cross-access shall be provided to allow circulation between sites without the need to reenter the public right-of-way.

(a) A stub for future cross access shall be provided from the vehicular use area to adjacent lots.

(b) A cross-access easement shall be recorded prior to the issuance of a Building Certificate of Occupancy for the development.

(c) The requirement for vehicular cross-access may be waived through Site Plan Review procedures where the provision of such access is infeasible and appropriate pedestrian and bicycle access is dedicated to adjacent uses.

C. Pedestrian circulation. All single-family attached and multiple-family residential, nonresidential, and mixed-use developments shall comply with the following standards:

(1) Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with the primary entrances of main buildings.

(2) Conflict between pedestrians and traffic shall be minimized at all points of pedestrian access to on-site parking and building entrances, and between buildings.

(3) At least one pedestrian walkway with a minimum width of five feet shall be provided from the internal pedestrian walkway network to the public sidewalk system. In the case of corner lots, connections shall be made to the sidewalks of both streets.

(4) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.

ARTICLE XIII
Landscaping and Screening

§ 44-1301. [Ch. 44, 13-1] Purpose and intent.

A. The regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this Code and specifically to:

(1) Provide buffering between single-family dwelling units and multiple-family dwelling units, and office, commercial, and industrial land uses;

(2) Safeguard and enhance property values and to protect public and private investment;

(3) Create transitions;

(4) Enhance the quality and appearance new development and redevelopment projects;

(5) Promote the preservation, expansion, protection and proper maintenance of existing trees and landscaping;

(6) Promote sustainable landscape practices including the use of non-invasive native and regionally adaptable plants;

(7) Conserve energy and reduce soil erosion and sedimentation; and

(8) Protect the public health, safety, and general welfare.

§ 44-1302. [Ch. 44, 13-2] Applicability.

A. The landscaping and screening regulations of this article apply as set forth in the individual sections of these regulations.

(1) General.

(a) Unless otherwise specified, the landscaping, the screening and buffering provisions of this section shall apply to all new multifamily and nonresidential development, including principal and accessory structures.

(b) Buildings and structures lawfully existing as of the effective date of this Code may be repaired and maintained without providing or modifying landscaping, screening, and buffering in conformance with this article; provided, however, that screening requirements required in accordance with Article X shall be required as applicable to any new use hereafter established.

(c) Where a building or structure existed as of the effective date of this Code and is expanded or enlarged by 20% or more, either in gross floor area or impervious area on the site, compliance with the provisions of this article

shall be required.

B. Exceptions.

(1) The parking lot landscaping standards of § 44-1307 shall apply to surface parking lots in the D-1 district; development in the D-1 district shall be exempt from all other requirements of this article.

§ 44-1303. [Ch. 44, 13-3] Landscape plan submittal requirements.

A. Landscape plan Submittals. Landscaping plans shall be prepared and stamped by a professional landscape architect or designer and must be provided for each phase of the development review and building permit processes. The landscape plan shall include the following information provided on one or more sheets:

(1) The street address and parcel number of the property;

(2) The applicant's name, address and interest in the property;

(3) The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the plan;

(4) Title, scale, north marker, and date;

(5) Zoning of site and the use(s) of all adjoining property(s);

(6) All lot lines, easements and rights-of-way;

(7) All surrounding roads with street names labeled;

(8) Delineation of wetlands, streams and other water bodies;

(9) Identification of existing trees and other landscape elements to be removed or preserved;

(10) Existing and proposed site contours on the project site and 100 feet beyond the site lot lines, at intervals not to exceed two feet;

(11) All existing and proposed drainage and detention areas;

(12) The total square foot of the site area dedicated for vehicle use, including parking, loading, circulation, drop-off/pick-up, etc.;

(13) Location, size, spacing, and species of proposed plant material, including plant lists showing the required and proposed quantities;

(14) A plant list keyed to the landscape plan that identifies landscape materials by scientific name and common name, planting size and planting details;

(15) Methods and details for protecting existing vegetation during construction;

(16) Size and location of berms, fences and other screening or screening devices;

(17) Calculations verifying the minimum landscaping required for the site under this article and calculations verifying the minimum percentage of required landscape area(s);

(18) Description of irrigation methods for landscape areas;

(19) Designation of area(s) to be used for snow storage;

(20) Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the requirements of this article; and

(21) Where fences, retaining walls or screen walls are proposed: an inset detail or specification sheet that indicates materials, height, and construction details for the structure;

(22) Where berms are proposed: typical cross section, including slope, height, and width, of berms and the type of ground cover to be placed on them;

(23) Other information or documentation as the Director of Economic and Community Development may deem necessary to allow a full and proper consideration and disposition of the particular plan, including but not limited to special features, sign locations, lighting, decks, paving, gazebos, etc. **[Amended 10-26-2020 by Ord. No. 2020-69]**

B. Minor changes to approved landscape plans.

(1) Minor changes to the approved landscape plan that do not affect compliance with the requirements of this article and do not reduce the net amount of plant material as specified on the landscape plan may be approved by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) Changes that do not comply with the requirements of this article and/or changes to the size and amount of plant materials of an approved landscape plan shall be considered a major change. Major changes are subject to review and approval by the body granting approval of the landscape plan initially.

§ 44-1304. [Ch. 44, 13-4] General landscaping requirements.

A. Previously approved plans. Any site plan or landscaping plan approved by the Economic and Community Development Director prior to the effective date of the Code codified in this article shall remain enforceable and in force. **[Amended 10-26-2020 by Ord. No. 2020-69]**

B. Required vegetation. All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water surfaces shall be planted with living vegetation, including trees, shrubs, grasses, and groundcovers.

C. Timing of planting. All required plant material shall be installed prior to issuing a

Certificate of Occupancy. Where compliance with this requirement is not possible because of the season of the year, the Director of Economic and Community Development may grant an appropriate delay or postponement of this requirement. In all such cases of postponement, the owner or developer shall deposit in an escrow account in a manner approved by the Corporation Counsel an amount equal to the 110% of the estimated cost of installing such required landscaping or planting screen. However, in no instance shall this delay exceed eight months. **[Amended 10-26-2020 by Ord. No. 2020-69]**

D. Completion of improvements. Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.

E. Maintenance.

(1) General.

(a) The property owner shall be responsible for the maintenance of all landscape areas, including ground cover vegetation in the public right-of-way, but shall not be responsible for the maintenance or removal of trees in the public right-of-way.

(b) All landscape areas and plant materials shall be maintained in good condition, shall present a healthy, neat, and orderly appearance, and shall be kept free of refuse and debris in accordance with the approved site plan.

(c) Pruning, trimming, or other suitable methods shall control plants so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.

(d) Unhealthy, withered, severely pruned, diseased, or dead plants shall be replaced within one year or the next appropriate planting period, whichever comes first.

(e) Fences, steps, retaining walls and similar landscaping elements shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas.

(f) Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

(2) Sight distance. Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the parking lot and shall be in compliance with § 44-909, of this Code and the following visibility triangle standard: **[Amended 8-24-2020 by Ord. No. 2020-55]**

(a) At the intersection of a public or private street with a public or private

driveway or alley no landscaping shall be placed, planted or allowed to grow in such a manner as to impede visibility between a height of 2 1/2 and 10 feet above the curb top elevation of the street within the visibility triangle area formed by the street curbline intersection with the driveway pavement line, and with the hypotenuse (third side of the triangle) connecting said curbline and said pavement line at distances from their intersection equal to 20 feet along the driveway line and 30 feet along the street curbline.

(3) Hazardous trees.

(a) Any plant material on private property that overhangs a public way in such a manner as to impede or interfere with traffic or travel on said public way, or that obstructs the view of motorists at the intersection of streets, shall be trimmed by the owner of the property so that the interference or obstruction is removed.

(b) Any tree or limb of a tree that has become dead, decayed, or broken and is likely to fall on or across a public way shall be removed by the owner of the property.

(c) Any trimming or removal shall be completed within 30 days after written notice requiring said trimming or removal. Said notice shall be served upon the owner of the property and will be delivered by personal delivery or regular mail. It shall be the duty of the owner of such property to trim or remove the tree, shrub, bush, or plant under the direction of the Building Commissioner.

(4) Enforcement.

Proposed Change

(a) Failure to comply with these maintenance requirements

Incomplete sentence. Missing content? Identify corrective action.

(b) Any property owner notified of a violation by the Economic and Community Development Director shall be given a reasonable time within which to restore or replace said landscaping. If such action is not taken within a period of 30 days or a reasonable period of time as determined by the Economic and Community Development Director, the City may replace required landscaping or screening materials in a manner and at a time to be specified in a written notice at the expense of the City. The City shall recover the cost of replacement where the owner or person responsible fails to do so by bringing suit in the name of the City against the owner or person neglecting to maintain or replace the aforementioned landscaping materials and/or screening. **[Amended 10-26-2020 by Ord. No. 2020-69]**

§ 44-1305. [Ch. 44, 13-5] Plant material requirements.

A. Scale and nature of landscape material. The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.

B. Plant material selection.

(1) All plant materials used shall be of good quality, be capable to withstand the seasonal temperature variations of central Illinois, be free of disease and insects, and meet the American Standard for Nursery Stock of the American Nurserymen standards for minimum acceptable form, quality and size for species selected.

(2) The use of species native to Illinois shall be encouraged. Where appropriate, the use of drought and salt tolerant plant material is preferred.

(3) Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.

(4) Materials used in fulfilling landscaping requirements shall conform to the standards and requirements of all applicable Chapters of the Bloomington City Code, 1960, as amended, including but not limited to Chapter 19 of said Bloomington City Code, 1960, as amended.

(5) The City Forester shall approve the species of any landscape and/or trees to be located beneath power lines.

C. Shade trees. All deciduous shade trees shall have a minimum trunk size of 2.5 inches in caliper at planting, unless otherwise specified.

D. Evergreen trees. Evergreens trees shall have a minimum height of five feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

E. Ornamental trees. Single stem ornamental trees shall have a minimum trunk size of two inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight feet at planting, unless otherwise specified.

F. Shrubs.

(1) Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of 18 inches at installation.

(2) Large shrubs are those shrubs that reach five or more feet in height at maturity. Small shrubs are those shrubs that can grow up to five feet in height if left unmaintained but are generally kept at heights of 18 inches to 30 inches.

G. Turf and/or Lawn Grasses. Lawn grasses shall be planted in species normally grown as permanent lawns in the Bloomington area.

(1) Grasses may be plugged, sprigged, seeded, or sodded. When complete sodding or seeding is not used, nursery grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.

(2) In swales and other areas susceptible to erosion, hydroseed, hydro mulch, rolled sod, erosion reducing net or suitable mulch shall be used, and shall be staked where necessary for stabilization.

H. Minimum sizes and spacing. The minimum plant sizes and spacing shall be provided in accordance with Table 1305H, Minimum Sizes and Spacing.

Table 1305H: Minimum Sizes and Spacing

Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Canopy/Shade Trees	2 1/2 inch caliper	25 feet on-center
Ornamental/ Understory Trees	2-inch caliper 5 feet height (clump form)	15 feet on-center
Evergreen Trees	5 feet height	20 feet on-center
Shrubs	2 feet height or spread	3 feet to 4 feet on-center

I. Topsoil. Topsoil shall be installed with a minimum depth of four inches for lawn areas, and eight inches to 12 inches within planting beds.

J. Stabilization. All landscape planting areas shall be stabilized and maintained with hydroseed, hydro mulch, seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

K. Planting beds.

(1) All required shrubs and trees shall be mulched and maintained with shredded hardwood bark or cypress mulch. Bark used as mulch shall be maintained at a minimum depth of two inches.

(2) All mulch proposed to be placed within or directly adjacent to a parking lot shall be shredded hardwood bark or cypress mulch.

(3) Plant groups shall be mulched in a continuous bed in which the edge of the mulching bed does not extend any more than four feet beyond the edge of the plantings.

(4) When required trees are planted individually and away from nearby plants, they shall be encircled in a mulched area with a diameter of no more than five feet.

(5) Evergreen trees are allowed a mulched circle with a diameter large enough to accommodate the spread of the tree and up to four additional feet of mulch beyond the edge of the tree.

(6) Neither gravel mulch nor lava stone are permitted within or directly adjacent to parking lots, but decorative landscaping stone may be used as a mulch.

Ground cover (grass, sod, flowers, etc.) shall be planted and maintained in curbed parking islands outside of mulched areas. Minimum diameter of any landscaping stone is one inch. No pea gravel or pebble mulch is allowed.

L. Irrigation. Landscape design pursuant to the requirements of this chapter shall recognize the need for irrigation and water conservation. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. All irrigation systems shall be designed to minimize the use of water.

M. Berming. Earthen berms may be incorporated into the landscaping of a site where there is sufficient space and when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum berm slopes shall not exceed a four to one slope ratio to prevent erosion and be properly and safely maintained.

N. Credit for existing vegetation. Existing healthy, well-formed trees and shrubs may be credited toward the requirements of this article provided that the tree(s) exceeds 10 feet in height and the vegetation is identified on the landscape plan, protected against damage during construction, located in an appropriate place, and maintained in a healthy growing condition. A landscape architect, arborist, or other similarly qualified professional shall determine the condition of trees and shrubs.

O. Plant species diversity. Diversity among required plant material is required not only for visual interest, but to reduce the risk of losing a large population of plants due to disease. Table 1305O, Plant Species Diversity, indicates the percentage of diversity required based on the total quantity of species being used. At least 50% of new plantings shall be species native to Illinois. All plantings shall be hardy to USDA Climate Zone 5.

Table 1305O: Plant Species Diversity

Total Number of Plants Per Plant Type	Maximum of Any Species	Minimum of Any Species	Minimum Number of Species
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

P. Screen materials.

(1) All planting materials used in required screens shall be evergreen varieties. Other plant materials may be used upon approval by the Economic and

Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) A berm at least four feet in height and 30 feet in width may be installed as an alternative to a solid opaque fence. Such berm shall be landscaped with a variety of planting materials in such a manner so as to be consistent with the intent of required screenings.

(3) In lieu of a required planting screen, a solid opaque fence not less than six feet in height may be installed. Chain link or wire mesh fences interlaced or interwoven with opaque strips may qualify as meeting the requirement for a solid opaque fence if approved by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Q. Unaccredited trees. Table 1305Q: Unaccredited Trees, lists species that are permitted but shall not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, overly expansive root structure, excessive litter, and or other undesirable characteristics. The planting of these species is not encouraged.

Table 1305Q: Unaccredited Trees

Botanical Name	Common Name
Malus Spp.	Apple
Fraxinus	Ash
Robinia Spp.	Black Locust
Juglans Nigra	Black Walnut
Acer Negundo	Box Elder
Catalpa Speciosa	Catalpa
Prunus Spp.	Cherry and Plum
Populus Spp.	Cottonwood, Poplar, Aspen
Gingko Biloba (female)	Female Gingko
Morus Spp.	Mulberry
Maclura Pomifera	Osage Orange
Pyrus Spp.	Pear
Quercus Palustris	Pin Oak
Elaeagnus Angustifolia	Russian Olive
Ulmus Pumila	Siberian Elm
Acer Saccharinum	Silver Maple
Ulmus Rubra	Slippery Elm
Platanous Occidentalis	Sycamore

Table 1305Q: Unaccredited Trees	
Botanical Name	**Common Name**
Ailanthus Altissima	Tree of Heaven
Salix Spp.	Willow

R. Prohibited materials.

(1) Planting the species as listed in Table 1305R is prohibited in the City due to their invasive nature.

Table 1305R: Prohibited (Invasive) Species	
Botanical Name	**Common Name**
Butomus umbellatus	Flowering Rush
Alliaria petiolata	Garlic Mustard
Populus nigra var. italica	Lombardy Poplar
Rosa Multiflora	Multiflora Rose
Phragmites australis	Common Reed
Lythrum salicaria	Purple Loosestrife
Centaurea Biebersteinii	Spotted Knapweed

(2) The following materials are deemed inappropriate for the purposes of this section and shall not be used in fulfilling these landscaping requirements:

(a) Permanent pavement surfacing materials such as concrete and bituminous surfaces;

(b) Artificial trees;

(c) Artificial shrubs;

(d) Artificial grass;

(e) Artificial flora;

(f) Crushed limestone; or

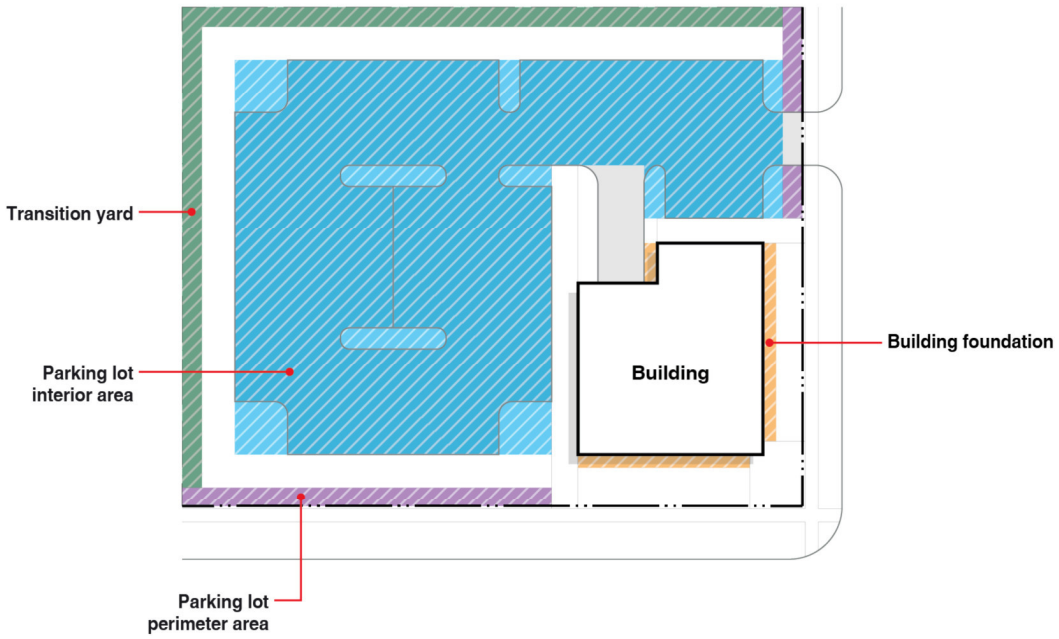
(g) Comparable materials.

§ 44-1306. [Ch. 44, 13-6] Landscaping areas.

The graphic below illustrates the location of the landscape and screening requirements discussed in §§ 44-1306 and 44-1307 of this article.

Diagram 1306

Landscape Areas



A. Building foundation landscaping.

(1) If a multifamily residential, nonresidential, or mixed-use development maintains a front and corner side yard of 10 feet or more, building foundation landscaping is required.

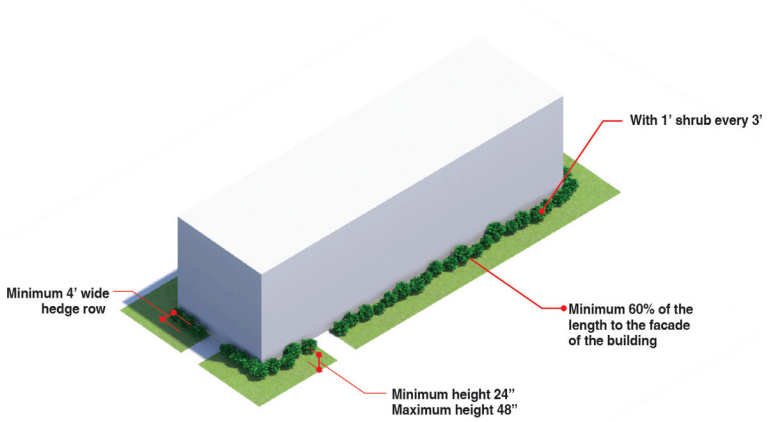
(2) Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls. Foundation plantings shall respond to the windows and materials of the building.

(3) Foundation plantings shall be installed across 60% of the length of the facade of the building, except where walkways and driveways are located.

(4) A minimum four-foot wide hedge row shall be planted with one shrub every three feet on center, spaced linearly. Such shrubs shall measure a minimum of 24 inches at planting and shall be a minimum of 36 inches to a maximum of 48 inches in height at maturity. Foundation plantings may also include trees, additional shrubs, grasses, perennials, and groundcover.

Diagram 1306A

Building Foundation Landscaping



B. Transition yards.

(1) Applicability. The transitional yard landscaping requirements shall be applied to multifamily and nonresidential uses in addition to any buffer yard or screening requirement specified in the District Regulations and Use Provisions.

(2) Transition yard types.

(a) Four transition yard types are established in recognition of the different contexts that may exist. They are as follows:

Table 1306B(2)(a): Transition Yards

Specifications	TY-1	TY-2	TY-3	TY-4
Min. Yard Depth	5 feet	8 feet	10 feet	15 feet
Min. Fence/ Wall Height	6 feet (masonry wall, solid wood, or board on board required)	Not Required	Not Required	Not Required
Min. Trees (per 100 feet)				
Deciduous Tree	Not Required	Not Required	4	Not Required
Evergreen Tree	2	4	Not Required	3

Table 1306B(2)(a): Transition Yards				
Specifications	**TY-1**	**TY-2**	**TY-3**	**TY-4**
Flowering Tree	2	2	2	2
Min. Shrubs (per 100 feet)				
Deciduous Shrub	Not Required	Not Required	15	Sufficient Amount
Evergreen Shrub	Not Required	10	Not Required	Sufficient Amount
Large Shrub	5	Not Required	Not Required	Not Required

[1] Yard widths calculated on the basis of average per 100 feet, provided that the yard width at any point may not be less than 50% of the minimums stated in the table. Required zoning district setbacks may be counted toward satisfying transition yard widths.

(b) Transition yards may include a combination of elements including setback distances for separation, tree and shrubs, solid fencing, and/or berming. Existing topography and vegetation should be included in the design of the transition yard as approved by the Economic and Community Development Director. Preservation of existing matures trees is strongly encouraged. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(c) All treatments in the transition yard shall comply with the design standards of this article. The minimum size and improvement of the transition yard types identified above may be used in combination to meet the intent of this article.

[1] TY-1: Structural transition yard. Solid six-foot high wall or fence with two evergreen variety trees, two flowering variety trees, and five large shrubs per 100 feet of linear distance.

[2] TY-2: Natural transition yard - evergreen. Four evergreen variety trees, two flowering variety trees and 10 evergreen shrubs per 100 feet of linear distance.

[3] TY-3: Natural transition yard - deciduous. Four deciduous variety trees, two flowering variety trees, and 15 large deciduous shrubs per 100 feet of linear distance planted in a staggered double row).

[4] TY-4: Earthen berm transition yard. Minimum fifteen-foot transition yard with berming not to exceed a one to three slope, three large evergreen trees, two flowering variety trees per 100 feet of linear distance, and sufficient evergreen shrubs with a combined height

(berm and mature shrub) of five feet to form a continuous screen within three years of planting and/or sufficient deciduous shrubs with a combined height of five feet to form a continuous screening within three years of planting.

[5] Areas not planted with trees or shrubs must be maintained as live groundcover.

(d) When an alley exists between two lots that would typically require a transition yard, the width of the alley can be used toward the required transition yard, provided that all required landscaping is provided for at least the first five feet of the yard, or the remainder of the required transition yard, whichever is greater.

(e) Application of transition yard types. Transition yards shall be provided based on Table 1306B(2)(a) Transition Yard Type Requirements, except where adjacent uses are of a similar nature, scale, and intensity. As per the table, the type of required transition yard is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s). When the approved use of a lot would typically require a transition area of a certain type based on the table below, the Director of Economic and Community Development may grant an Administrative Departure when a use is deemed not of a similar nature, scale, or intensity, but as a use with nominal impact on the character of uses in the adjacent zoning district. In this instance, the departure may be granted for one less intense type of area. **[Amended 10-26-2020 by Ord. No. 2020-69]**

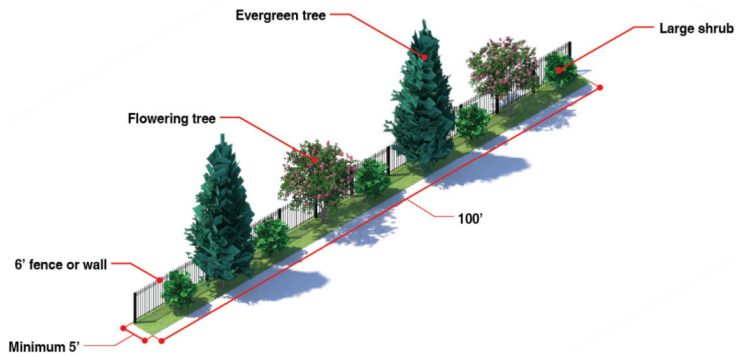
Table 1306B(2)(a): Transition Yard Type Requirements

	Adjacent Lot Land Use					
Subject Lot Land Use	**Open Space/ Agriculture**	**Detached Single-Family**	**Attached Single-Family**	**Multifamily**	**Business**	**Industrial**
Open Space/ Agriculture	None					
Detached Single-Family	TY-1	None				
Attached Single-Family	TY-1	TY-1	None			
Multifamily	TY-2	TY-2	TY-1	None		
Business	TY-3	TY-3	TY-2	TY-2	None	
Industrial	TY-4	TY-4	TY-3	TY-3	TY-2	None

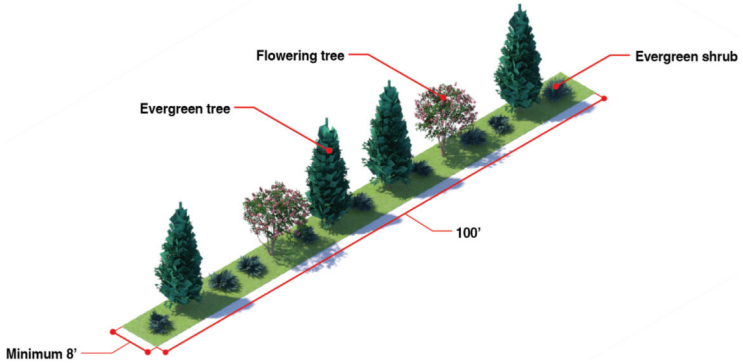
(f) Site plan review. When the approved use of a zoning lot would typically require a transition yard of a certain type based on the table above, but the use would impose a nominal impact on the character of uses in the adjoining district, a less intense type of transition yard may be approved through site plan review procedures.

Diagram 1306B(2)(a)

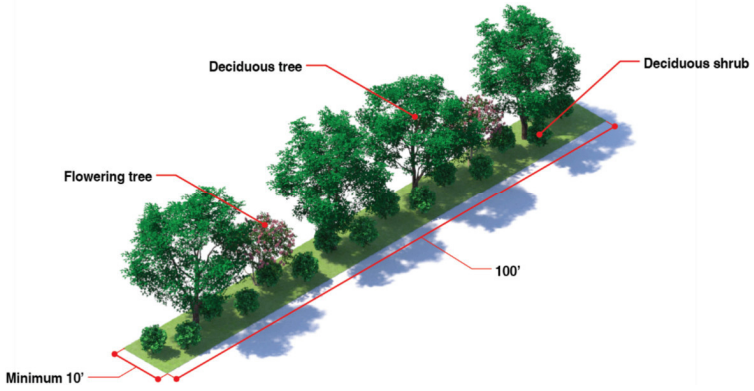
Transition Yard - TY1

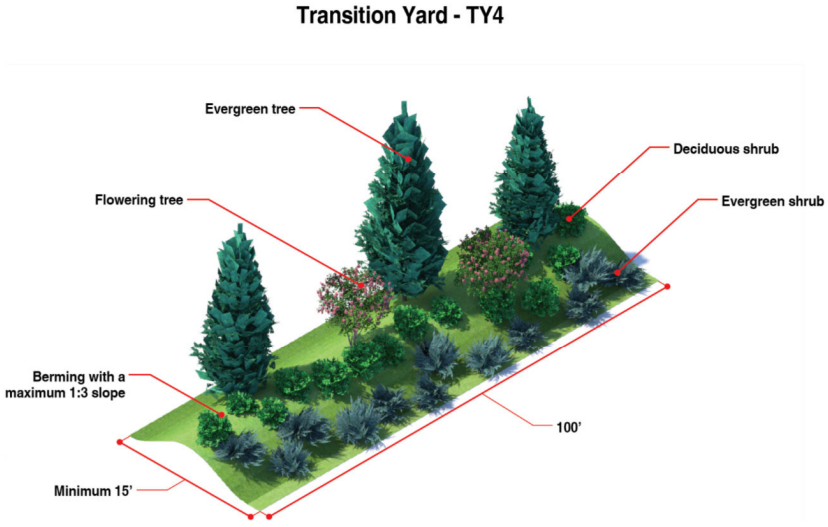


Transition Yard - TY2



Transition Yard - TY3





§ 44-1307. [Ch. 44, 13-7] Parking lot landscape requirements.

A. Parking lot landscape requirements. All parking lots shall include landscaping and trees located within the parking area as required by this section. Trees required by this section shall be in addition to trees and landscaping required under other sections of this Code.

B. Parking lot perimeter landscaping.

(1) Requirements. All parking lots shall comply with the following standards for perimeter landscaping.

(a) Location and dimensions. Perimeter landscaping shall be established along the edge of the parking lot with a minimum depth of six feet for interior areas and 12 feet adjoining a right-of-way. The landscape treatment shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing utilities.

(b) Design. Perimeter parking lot screening areas shall be protected with raised concrete curbs, unless the Economic and Community Development Director approves an alternate design to accommodate best management practices for stormwater management. Landscaped areas outside of shrub and tree masses shall be planted in turf or other live groundcover. **[Amended 10-26-2020 by Ord. No. 2020-69]**

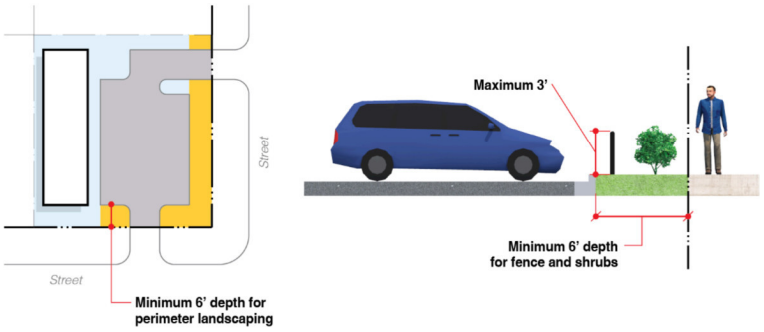
(c) Landscape material. One shrub shall be planted for every three feet of landscaped area length, spaced linearly to adequately screen headlights and vehicle bumpers. Plants with thorns, berries, and other harmful characteristics shall be carefully placed to avoid potential harm to people or property on or off site.

(d) Alternative screening. A wood fence or low masonry wall, up to a maximum height of three feet, may be installed to screen headlights and vehicle bumpers. Installation of plant materials is encouraged between the sidewalk and the wall to provide a softening effect on the fence or wall.

(2) Exemptions. Parking lot perimeter landscaping is not required when the parking lot or vehicular use area is not visible from adjacent street right-of-way or as permitted by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Diagram 1307B

Parking Lot Perimeter Landscaping



C. Parking lot interior landscaping.

(1) Requirements. For parking lots consisting of 10 or more spaces, interior parking lot landscaping shall be required.

(a) Quantity. One parking lot island shall be provided between every 10 parking spaces. As part of the landscape plan approval, the location of parking lot islands may be varied based on specific site requirements or design scheme; however, a parking lot island or landscaped area shall terminate all parking rows.

(b) Dimensions. The minimum dimension of a parking lot island shall be the same as the adjoining parking stall, but not less than 200 square feet.

(c) Design. Parking lot islands or landscaped areas shall be elevated at least six inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. A minimum of one shade tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two shade trees shall be provided. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure plant survival.

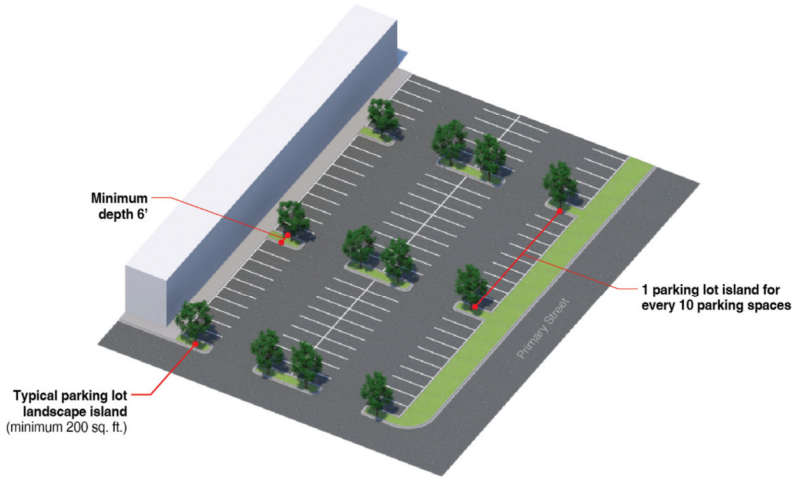
(d) Landscape material. Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Branches shall be trimmed to

a minimum height of seven feet. Ornamental trees, shrubs, hedges, and other plant materials may be used to supplement the shade tree plantings but shall not create visibility impediments for automobiles and pedestrians.

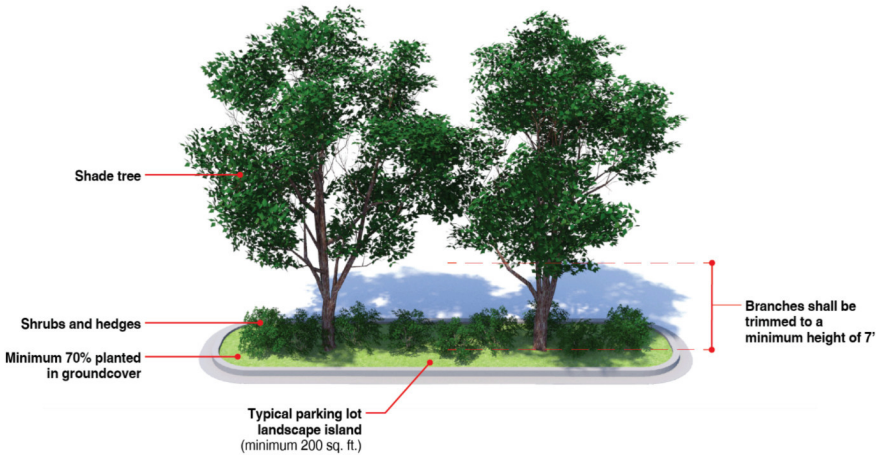
(e) Groundcover. A minimum of 75% of every parking lot island shall be planted in Class 2s salt tolerant seed turf or other live groundcover, perennials, or ornamental grasses.

Diagram 1307C

Parking Lot Interior Landscaping



Parking Lot Landscape Island



§ 44-1308. [Ch. 44, 13-8] Additional screening requirements.

A. Areas of low visual interest or visually intrusive site elements, such as trash collection, mechanical equipment, open storage, service areas, loading docks and

blank walls, shall be screened from off-site view. Screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required. Screening techniques may include, but are not limited to, hedgerows, fencing, wing walls, parapets, and building insets.

B. Outdoor storage areas.

(1) Outdoor storage areas, work areas and service yards shall be completely screened by an opaque masonry wall (stone, stucco, or brick) or a commercial grade solid wood screen fence at least six feet in height, and not exceeding the height limitations contained in § 44-907 of this Code. Where feasible, plant materials should be installed along that portion of a fence or wall that is highly visible from the right-of-way to provide a softening effect.

(2) If storage materials exceed the allowable maximum fence height, then a combination of berming, fencing and landscaping shall be used to accomplish appropriate screening.

(3) Growing areas for nursery stock located in the front or corner side yard are considered to meet screening requirements.

C. Mechanical units.

(1) Ground mounted mechanical units. Ground-mounted mechanical units, including but not limited to: air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from an adjacent right-of-way shall be screened from public view. The screen shall be designed and established so that the area or element being screened is no more than 20% visible through the screen.

(2) Roof mounted mechanical units. All roof-mounted mechanical units shall be screened to their full height by an opaque screening material that is compatible with the architecture of the building or through integrated building architecture, such as a parapet wall.

D. Loading docks and service areas. Loading docks and service areas shall be screened from view from public rights-of-way and adjacent lots. Screening shall consist of the following, individually or in combination:

(1) A screening wall, attached to the principal structure, that is compatible in appearance and constructed of the same material main structure.

(2) Opaque masonry or commercial grade wood fence having a minimum height of six feet.

(3) Multi-stemmed ornamental trees, evergreen trees, large shrubs, or some combination thereof, planted at a minimum ratio of 50 plant units for each 100 linear feet of perimeter to be screened. If large shrubs are used, they shall be a

minimum of six feet in height at the time of installation.

E. Refuse disposal areas. Trash and recycling receptacles shall be screened in accordance with the following requirements:

(1) Siting. Refuse disposal areas shall be sited to minimize visibility from the public rights-of-way. Trash enclosures shall not be located within a required street front or street side setbacks or occupy area used for required parking spaces. Where feasible, refuse enclosures shall be located to the rear of a main building or at the rear of the parking lot.

(2) Height. Refuse disposal areas shall be screened on all sides to a minimum height of six feet.

(3) Materials and appearance.

(a) Refuse enclosures shall be constructed of durable materials that complement the architecture of the principal structure. Masonry walls and commercial grade wood fences are preferred materials. In Manufacturing Districts, enclosures constructed of chain link or wire mesh interlaced with opaque strips may be approved by the Economic and Community Development Director. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(b) Enclosures that are attached to buildings shall be compatible in appearance and shall be constructed of the same material main structure.

(c) Enclosure openings directly visible from a public right-of-way and/or adjoining residential areas shall have a solid material gate. For larger enclosure areas, a separate gate access is encouraged.

(4) Additional design criteria.

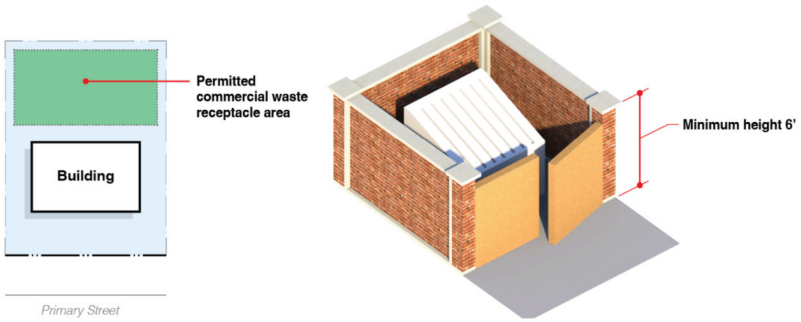
(a) Enclosures shall be of an adequate size to accommodate expected containers. At no time shall refuse be allowed to accumulate outside of the enclosure.

(b) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by use of barrier curbing, reinforced masonry walls, or other similar means.

(c) The Economic and Community Development Director may approve landscape screening in lieu of a masonry or wood structure, if such screening provides full coverage of the disposal area and is a minimum height of six feet at time of planting. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Diagram 1308E

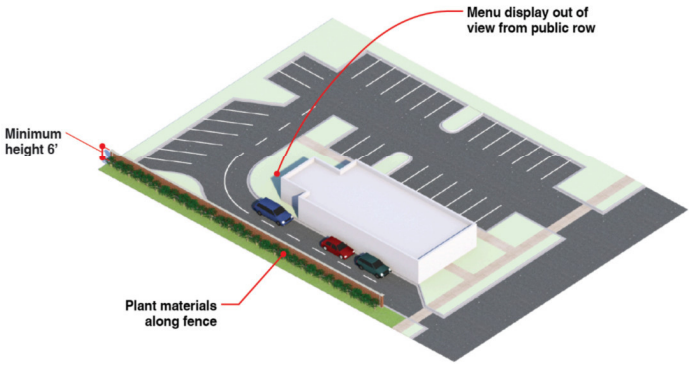
Refuse Disposal Area Screening



F. Drive-through facility. Drive aisles of drive-through facilities must be effectively screened from view along the public right-of-way and at the edges of sites adjacent to a residential use to minimize the impact of exterior site lighting, headlight glare and menu displays. Such screening shall consist of a masonry wall, commercial grade wood fence or dense evergreen hedge no less than six feet in height. Plant materials must be installed along the fence or wall to provide a softening effect.

Diagram 1308F

Drive-Through Facility Screening



ARTICLE XIV
(Reserved)

ARTICLE XV
Planned Unit Developments

§ 44-1501. [Ch. 44, 15-1] Purpose and intent.

A. The purpose of the Planned Unit Development Regulations is to encourage and allow more efficient, creative, and imaginative design for land development than is possible under otherwise applicable zoning regulations. Preservation of natural site qualities, better urban amenities, more open spaces, and a higher quality project design are also intended results of the planned unit development process. The following objectives may be attained through the use of the planned unit development process:

(1) A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this Code.

(2) Permanent preservation of common open space and recreation areas and facilities.

(3) A pattern of development to preserve natural vegetation, topographic and geologic features.

(4) The prevention and/or control of soil erosion and surface flooding.

(5) A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.

(6) An efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds and buildings and other facilities.

(7) A land use which promotes the public health, safety, comfort, morals and welfare.

(8) A combination and coordination of architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative overall design.

(9) Innovations in residential development so that growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.

(10) The use of public input and participation in the design and development of innovative and creative land use proposals.

B. The planned unit development is intended to provide for projects incorporating a single type of a variety of related uses which are planned, developed, and maintained as a unit. The planned unit development should provide amenities not otherwise required by law and often establishes facilities and open space greater than the minimum required by code. Such development may consist of subdivided

lots, provided that the platted lots are maintained in unified control with unsubdivided property maintained in separate ownership but unified control.

C. The unique and substantially different character of planned unit developments requires that they be processed under a special plan review procedure. Planned unit developments are of a different character than conventional subdivisions requiring the establishment herein of specific and additional procedures, standards, and exceptions to govern the recommendations of the Planning Commission and the action by the City Council.

D. A person, by choosing to develop property as a planned unit development, elects to submit a contemplated development proposal to a legislative and discretionary review by the Planning Commission and Council. All planned unit developments shall be designed in such a manner as to conform to the provisions of the City of Bloomington major street plans, trunk sewer extension plans, water distribution system plans, and storm drainage plans.

§ 44-1502. [Ch. 44, 15-2] Applicability.

A. A Planned Unit Development may be proposed for development of multiple principal structures on a single zoning lot or multiple zoning lots within a Residential District.

B. No residential planned unit development shall contain fewer than five dwelling units.

§ 44-1503. [Ch. 44, 15-3] Design standards and criteria.

A. The uses permitted within the planned unit development shall be the same as those authorized in the zoning district in which it is located.

B. A planned unit development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

C. Beneficial common open space. Any common open space in the planned unit development shall be integrated into the overall design of the site. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. Desirable open space amenities include, but are not limited to plazas, gardens, playgrounds, and playing fields.

Ord. No. 2022-99

1. The following shall apply to all Common Recreation Spaces:
   a. The area may not be less than 10,000 square feet.
   b. The shortest distance between median points of any two sides of such common recreation space shall not be less than 36 feet.
   c. All recreation space shall not be less than 20 feet away from any first story residential building wall containing a window.
2. The following would not be considered usable common open space:
   a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
   b. Dedicated streets, alleys, and other public rights-of-way.
   c. Vehicular drives, parking, loading and storage area.

(4) Dry detention basins.

(5) Irregular or unusable narrow strips of land less than 15 feet wide.

D. Energy efficient design. A planned unit development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the Planned Unit Development and to the extent feasible, the applicant will be encouraged to integrate renewable energy technologies or obtain Leadership in Energy and Environmental Design (LEED) certification level standards for the project.

E. Relationship to adjoining land. A planned unit development shall be developed with connections to adjoining land. Designs should emphasize accessibility, open views, and connections with the larger community and discourage development that divides neighborhoods or restricts access to adjacent property. The design of lots, streets, sidewalks, and paths within a planned unit development shall make provisions for the continuation of such existing or proposed features to adjoining areas.

F. Transfer of density. The planned unit development may permit the transfer of dwelling units from one portion of the tract to another and will permit the clustering of dwelling units in one or more locations upon the tract.

G. Exterior monotony. Residential units within planned unit developments shall be designed to avoid the appearance of exterior monotony through incorporation of varying rooflines, building materials, colors, or architectural enhancements.

H. Density, floor area and common recreation space shall be provided for a residential planned unit development in accordance with the following Table 1503.

Table 1503: Residential Planned Unit Development Standards

	Max. Floor Area (percent of land area)	Min. Open Space (% of land area)	Min. Common Recreation Space (% of land area)
R-1A	10.0	80.0	2.5
R-1B	20.0	76.0	3.6
R-1C	34.8	73.0	4.9
R1-H	34.8	73.0	4.9
R-2	40	72.0	5.2
R-3A	52.8	71.0	6.2
R-3B	80.0	68.0	8.0
R-4	34.0	73.0	4.9

§ 44-1504. [Ch. 44, 15-4] Submittal standards.

A. An application for a planned unit development shall be submitted on the form provided by the Office of the City Clerk.

B. Applications shall conform to the minimum requirements of § 44-1703. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information prior to the public hearing on their requests.

C. Preliminary planned unit development plan. The following information shall be submitted together with the preliminary planned unit development Plan on full-size, legible sheets.

(1) Description of intent. The application shall include an explanation of the character of the planned unit development, the reasons why it needs the flexibility of the planned unit development regulations, how the Comprehensive Plan affects the property, and how it accomplishes the purposes of the planned unit development regulations.

(2) Site plan. A site plan shall be submitted with the preliminary planned unit development plan that includes the following minimum information:

(a) Location by Section, Town and Range or other legal description;

(b) Names and addresses of the persons having proprietary interest over the property;

(c) Graphic (engineering) scale;

(d) North-points;

(e) Date of preparation;

(f) The boundary lines of the property in question;

(g) Location of all survey monuments and their descriptions;

(h) Existing conditions, including buildings and land uses, contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation, and utilities;

(i) Arrangement of proposed buildings and structures and existing buildings and structures;

(j) Proposed location, width, and type of surface material of all proposed sidewalks, pedestrian ways, driveways, parking areas, service areas, and recreation areas;

(k) Size and location of proposed parking areas with arrangement of bays and aisles and curb cuts, and with indication of the total number of spaces;

(l) A site drainage plan for the proposed project if required;

(m) A photometric/lighting plan if the planned unit development would result in new exterior lighting.

(3) Design schedule. The design schedule may be included on the site plan or submitted on a separate sheet that indicates:

(a) Total and footprint square footage for nonresidential principal structures;

(b) Total and footprint square footage for accessory structures;

(c) The proportion of site area (expressed as a percentage) dedicated to floor area, landscaped open space and common recreation area;

(d) Number of parking spaces;

(e) Proposed use of each building, structure, or parcel of land;

(f) If the development is to be constructed in phases, the design schedule shall include a designation of the phase components;

(g) If different from the underlying Code requirements, a listing of the area, lot width, yard, height, and bulk requirements including density applicable to the planned unit development.

(4) Landscape plan. That landscape plan shall include the following information:

(a) The size, location, and general characteristics of plant materials in compliance with Article XIII of this Code;

(b) Size, location, and composition of all proposed fencing, refuse enclosures, and landscaped screening material.

(5) Building elevations. Building elevations and architectural renderings shall be required with submission of the preliminary development plan and shall indicate the following:

(a) The appearance of buildings on all sides of a structure;

(b) Proposed building type, colors, and specifications for exterior building materials;

(c) Where multiple buildings will be built in phases or where specific users will affect the specific building design, prototypical building elevations and design criteria for the planned unit development may be submitted in lieu of building elevations;

(d) The Director of Economic and Community Development may require that the applicant submit color building elevations and/or perspective renderings if such information is required for a full analysis of the proposed development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(6) Signage. For mixed use planned unit developments, a site signage package

shall be submitted, and any variances requested from the requirements of Article XIV of this Code.

(7) Engineering. For a preliminary planned unit development plan, engineering plans shall be submitted which provide in sufficient detail to convey the general basis of design of the sanitary sewer, water, stormwater control, flood control, and street facilities.

(8) Subdivision. When a subdivision of land is proposed in connection with a planned unit development, the applicant shall file an application for approval of a preliminary plat of the proposed subdivision simultaneously with the application for preliminary planned unit development approval.

(9) Special studies. Impact studies, parking studies, geological, topographic or soil analysis and other information and data as the City may require for the full and complete consideration of the planned unit development.

D. Final planned unit development plan. The final plan or plans of the planned unit development shall conform substantially to the approved preliminary planned unit development. While the preliminary planned unit development plan shall generally specify uses of land and locations of buildings, the final plan shall designate with particularity the uses of land and the location of buildings. The following information shall be submitted together with the final planned unit development plan on full-size, legible sheets:

(1) An accurate legal description of the entire parcel upon which the planned development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated, or reserved for public or quasi-public uses;

(2) Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned development;

(3) A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density;

(4) The use or uses to be made of such existing and proposed buildings or structures;

(5) The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping;

(6) Final building elevations, architectural renderings, and/or prototypical elevations;

(7) A final landscape plan indicating the specific location and character of all

landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all refuse enclosures, screening, and fencing;

(8) Final photometric plan;

(9) A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned development and the manner in which surface drainage will be controlled and managed consistent with all applicable City regulations;

(10) The exact location and dimensions of any areas to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings, or for any other public or quasi-public use;

(11) All covenants, easements, agreements, and other provisions required to govern the use, maintenance, and continued protection of the planned development, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a homeowners' association shall be responsible for all street, utility and common open space maintenance within said development and for snow plowing and refuse disposal;

(12) All plats, certificates, seals, and signatures required for the dedication or vacation of land and/or the recording of the final site plan;

(13) A final phasing plan indicating the time frame for construction of the initial phase and subsequent phases and a map indicating the development area for each phase of the development.

§ 44-1505. [Ch. 44, 15-5] Planned unit development procedures.

A. Procedure. Before developing a tract of land within the corporate limits of the City as a planned unit development, the owner or developer shall comply with the following Planned Unit Development Review Process consisting of the Pre-Application Conference, the Preliminary Development Plan, and the Final Development Plan.

B. Pre-application conference.

(1) Prior to the submission of a preliminary plan, the owner or developer of a proposed planned unit development shall prepare a concept plan of such proposed planned unit development and consult with the Director of Economic and Community Development for the purpose of reviewing such concept plan. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) The Director of Economic and Community Development may invite other individuals or entities as he or she deems appropriate. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(3) The purpose of such pre-application conference is to review such concept plan which is a preliminary concept, and which may, after such pre-application conference, be then refined by the owner or developer into a preliminary planned unit development plan.

(4) Said concept plan shall be drawn to engineering scale and shall show the conceptual layout of the proposed planned unit development including the general layout of streets, drainage, sewerage, and land uses and the present location of major natural features such as wetlands, streams, and lakes.

(5) The Director of Economic and Community Development, Director of Engineering, and other City staff as appropriate, shall advise the owner or developer at the pre-application conference whether the concept plan is consistent with the Manual of Practice for the Design of Public Improvements of the City of Bloomington and with the Official Comprehensive Plan, Zoning Code, this Code and other applicable Codes of the City in order to assist the owner or developer prior to the preparation of the preliminary plan. **[Amended 10-26-2020 by Ord. No. 2020-69]**

C. Preliminary planned unit development procedure.

(1) Initiation of application. An application for a planned unit development may only be filed by an applicant who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located. The application shall conform to the requirements of § 44-1703.

(2) Application processing. The application for preliminary planned unit development shall be processed in accordance with the procedures of § 44-1704.

(3) The planned unit development review procedure shall be conducted so that it is concurrent with the subdivision review procedure under Chapter 24 of the Bloomington City Code, 1960, as amended, and encompasses any site plan review, special use permit or variation procedure necessary for approval of the project.

(4) Action by Planning Commission. The Director of Economic and Community Development shall transmit a complete application for a preliminary planned unit development to the Planning Commission for a legislative public hearing. The public hearing procedure and notice shall comply with § 44-1705. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(a) The Planning Commission shall determine the extent to which the plan conforms or fails to conform with the standards of this Code and shall no later than 30 days after the adjournment of the legislative public hearing, transmit its recommendation on the plan to the City Council.

(b) The Planning Commission may recommend approval of a preliminary plan with an approval recommendation conditioned upon the making of

one or more changes in the proposal, which such changes shall be enumerated in the Commission's transmittal to the City Council or may transmit the plan to the Council without recommendation.

(c) If the Commission recommends disapproval of the preliminary development plan, it shall furnish the City Council and the applicant a written statement setting forth the reason for said recommendation and specifying with particularity the aspects in which said preliminary plan fails to comply with the requirements of this Code or does not comply with the official Comprehensive Plan.

(d) Should the Planning Commission fail to act within the 30 days from the adjournment of the public hearing or fail to adjourn the public hearing within 120 days of its commencement, the plan shall be submitted to the Council without a recommendation.

(5) Action by City Council.

(a) Within 60 days after receipt of the Planning Commission recommendation and without further public hearing the City Council shall approve, approve with conditions, or reject the proposed preliminary planned unit development plan.

(b) Failure of the Council to act within the prescribed time period shall constitute denial of the preliminary plan.

(c) If the preliminary planned unit development plan is denied, the City Council shall state in writing the reasons for the denial. Such statement shall be filed with the Director of Economic and Community Development and a copy shall be sent to the applicant. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(d) If the preliminary planned unit development plan is approved, the applicant shall submit a final planned unit development plan.

(6) Extension of time periods by mutual consent. Time periods for review by the Planning Commission or Council may be extended by mutual consent of the owner or developer and the Planning Commission or Council. Any such extension shall stay the running of all subsequent time periods.

(7) Conditions and guarantees. Prior to the granting of any preliminary planned unit development, the Planning Commission may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. The Council may require such evidence and guarantees as it may deem necessary as proof of compliance with the conditions of approval.

(8) Impact fees. The planned unit development may be approved subject to such

impact donations as may be determined by the City Council in reasonable proportion to the impact of the planned unit development on public facilities and infrastructure.

(9) Effect of approval. Buildings and uses or combinations of uses within a planned unit development shall be limited to those approved as part of the Code granting a planned unit development permit by the City Council. Unless specifically approved by the Code granting or amending the planned unit development, the requirements of the underlying district shall apply.

D. Final planned unit development procedures.

(1) Final plan submission. Once a preliminary planned unit development has been approved by the City Council, the applicant shall submit a final plan, which shall be filed with the Director of Economic and Community Development in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the City of Bloomington. The application shall conform to the requirements of § 44-1703. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) The application for a final planned unit development plat shall be processed in accordance with the procedures of § 44-1704.

(3) Administrative review. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(a) Within 30 days from the submission of a final development plan and supporting materials, the Director of Economic and Community Development shall review the complete application for a final development plan to determine the extent to which it conforms with the approved preliminary development plan and approved public improvement plans and specifications and shall further review the supporting material to determine its conformance with the requirements of this Code.

(b) If the final development plan substantially conforms with the approved preliminary development plan and public improvement plans and specifications and if the supporting material meets all Code requirements, then the Director of Economic and Community Development shall promptly issue approval of the final development plan.

(c) If the final development plan does not substantially conform with the approved preliminary development plan or if the supporting material does not conform with all Code requirements, then the Director of Economic and Community Development may approve the final plan subject to conditions or refer the final plan to the Planning Commission for a legislative public hearing.

(4) Action by Planning Commission.

(a) The public hearing procedure and notice shall comply with § 44-1705.

(b) During the public hearing, the Planning Commission shall determine the extent to which the final development plan conforms or fails to conform with the standards of this Code.

(c) The Planning Commission shall, not later than 30 days after the adjournment of the legislative public hearing, transmit its recommendation on the final development plan to the City Council.

(5) Action by City Council. Within 60 days from the receipt of the Planning Commission's recommendation with respect to the final development plan, the City Council shall, by ordinance, approve or disapprove the plan.

(6) Pre-requisites for recording. The final planned unit development plan shall not be recorded until the following pre-requisites are fulfilled:

(a) Payment of any and all applicable fees.

(b) Posting of any required final plat public improvement payment, performance, and workmanship bond; filing and establishment of any required adjacent street substandard roadway improvement guarantees and security; making of any required public land dedications or cash contribution in lieu thereof and obtaining and filing with the City of any off-site easements or right-of-way for public improvements serving the site.

E. Changes to an approved planned unit development. A planned unit development shall be constructed in accordance with the approved final plat of planned unit development and all supporting data. Changes to the planned unit development shall be considered to be either a minor change or a major change.

(1) Minor changes in the location, siting, height or character of the buildings and structures may be authorized by the Director of Economic and Community Development, if such minor changes are required by engineering or other circumstances not foreseen at the time of adoption of the ordinance approving the final development plan. A minor change authorized by this subsection shall not cause any of the following: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(a) A change in the use or character of the development;

(b) An increase in the intensity of use of over 10%;

(c) An increase in any dimension of a building or structure by more than 5% in any direction.

(d) A reduction in approved open space of 5% or more.

(e) A reduction in off-street parking and loading space of 5% or more provided minimum code requirements are met.

(f) A reduction in required pavement widths of 5% or more provided minimum code requirements are met.

(2) Minor changes that are not approved by the Director of Economic and Community Development may be appealed by the applicant or property owner pursuant to the procedures in § 44-1712. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(3) Any other change to an approved planned unit development shall be considered a major change. Major changes shall require a legislative public hearing pursuant to the procedures of § 44-1505D(4).

§ 44-1506. [Ch. 44, 15-6] Criteria for approval.

A. In reviewing an application for a planned unit development, the Planning Commission and City Council shall find that the planned unit development supports the purposes of this article based substantial consistency with the following standards.

(1) Comprehensive Plan. The planned unit development conforms with the general planning policies of the City of Bloomington as set forth in the Comprehensive Plan.

(2) Impact on other property. The planned unit development will not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district and does not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district. Further, the planned unit development is compatible with the character of the neighborhood and does not alter the essential character of the neighborhood.

(3) Impact on public facilities and resources. The planned unit development conforms to the provisions of the City's-major street plans, trunk sewer extension plans, water distribution system plans, and storm drainage plans.

(4) Archaeological, historical or cultural impact. The Planned Unit Development does not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.

(5) Quality of design. The design of the planned unit development incorporates high quality building, site, and landscaping features, and presents an innovative and creative approach to the development of land and living environments.

B. The City Council may but shall not be required to make written findings of fact based on the criteria for approval on an application for approval of a planned unit development or a change to a planned unit development.

§ 44-1507. [Ch. 44, 15-7] Effective period of planned unit development.

A. Preliminary planned unit development plan.

(1) Approved preliminary planned unit development plans or portions thereof on

which no final plan has been submitted for review and approval shall expire and be of no force or effect three years after this approval, except:

(a) The filing of a final planned unit development plan and necessary supporting document shall extend the life of a preliminary plan for three years; or

(b) If the approval of the preliminary planned unit development is extended by action of the City Council.

B. Final planned unit development plan.

(1) The City Council may consider an approved final planned unit development plan subject to revocation if construction falls more than two years behind the schedule filed with the final development plan or if development exceeds five years.

(2) The owner of property in a planned unit development plan or the owner of any portion thereof may petition for revocation of such planned unit development plan in whole or in part.

(3) Revocation of a planned unit development, in whole or in part, may be initiated by the City Council or the owner of property.

(4) The City Council shall refer an application for revocation of the planned unit development to the Planning Commission for a legislative public hearing and recommendation. The public hearing and notice shall conform to the provisions of § 44-1705. In addition, notice shall be mailed or delivered to all persons having an ownership interest in such planned unit development based on ownership recorded with the Recorder of Deeds of McLean County, at least five days prior to the public hearing on revocation.

(5) The Planning Commission shall transmit its recommendation to the City Council no later than 30 days after the adjournment of the legislative public hearing.

(6) Upon receipt of the Planning Commission recommendation, the City Council shall take up and consider the petition to revoke, in whole or in part, the subject planned unit development. The City Council may approve or deny revocation of the subject planned unit development. The City Council may impose reasonable conditions on such revocation in order to advance the health, safety, and welfare of the citizens.

(7) In the event the City Council revokes an approved planned unit development plan, in whole or in part, then the City Clerk shall file a notice of such revocation with the McLean County Recorder of Deeds.

(8) Revocation of an approved planned unit development plan shall preclude any additional construction pursuant to such revoked plan, except construction determined necessary by the City to wind up the development and put the same

in a safe and sanitary condition. Any security posted to guarantee installation of required public improvements shall continue in effect until all approved public improvements are completed, all wind-up construction is completed, and all claims against such security are resolved.

(9) Upon revocation of an approved planned unit development plan, the property for which such plan is revoked shall retain its zoning district classification absent such plan.

ARTICLE XVI
Definitions

§ 44-1601. [Ch. 44, 16-1] Rules of construction.

The language set forth in the text of this Code shall be interpreted in accordance with the following Rules of Construction, unless the context clearly requires a different construction:

Ord. No. 2022-99

I. The term "Director" or "Director of Economic and Community Development" shall be inclusive of the Zoning Administrator and any designee authorized to act on behalf of the Director; and J. In the case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.

A. The singular includes the plural and the plural the singular;

B. The present tense includes the past and the future tenses, and the future tense includes the present;

C. When used in connection with an action of an owner or developer, the word "shall" is mandatory, while the word "may" is permissive;

D. Terms connoting a particular gender shall include each and every gender;

E. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof, and any word appearing in parenthesis between a word and its definition shall be construed in the same sense as that word;

F. All measured distances shall be to the nearest integral foot; if a fraction is 1/2 foot or more, the integral foot next above shall be taken;

G. All words and terms not defined herein shall be construed in their generally accepted meanings; and

H. All provisions of this Code imposing duties upon the City, its officers or agents are directory, unless the context clearly requires the provision be construed as mandatory**; and**

Ord. No. 2022-99

§ 44-1602. [Ch. 44, 16-2] Definitions "A."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

ABROGATE — Abolish, annul, nullify, do away with.

ABUTTING (ADJACENT, ADJOINING, CONTIGUOUS) – **Having one or more common boundary line(s) or district line(s), or where two parcels are separated only by an alley or easement.**

Ord. No. 2022-99

ACCESSORY BUILDING OR STRUCTURE OR USE — An accessory building, structure or use is one which:

A. Is subordinate to and clearly and customarily incidental to the principal building or principal use; and

B. Is subordinate in area, extent, and purpose to the principal building or principal use served; and

C. Contributes to the comfort, convenience, or necessity of occupants to the principal building or principal use served; and

D. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served; and

Ord. No. 2022-99: DEFINITION REMOVED

E. The structural integrity of such accessory buildings or structures shall be in compliance with the International Residential Code, as adopted by the City Council in Bloomington City Code, Chapter 10.

ADDITION — An extension or increase in floor area or height of a building or structure.

ADULT CABARET — A building or portion of a building featuring dancing or other live entertainment if the dancing or other live entertainment involves the exhibiting of specified sexual activities or specified anatomical areas, as defined in this Code, for observation by patrons therein.

ADULT DETENTION FACILITY — A facility for the detention, confinement, treatment or rehabilitation of adult persons arrested or convicted for the violation of civil or criminal law.

ADULT HOTEL/MOTEL — A hotel or motel or similar business establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30% or more of the number of which are distinguished or characterized by an emphasis on the exhibiting of specified sexual activities or specified anatomical areas, as defined in this Code; and rents, leases, or lets any single room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a twenty-four-hour period.

ADULT LINGERIE MODELING STUDIO — An establishment or business that provides for any form of compensation, monetary or other consideration, the services of live models modeling lingerie to individuals, couples, or small groups and where "specified anatomical areas" of the models are displayed for the purpose of sexual stimulation of the patrons and further provided such modeling takes place in a room smaller than 600 square feet in area.**[Ord. No. 2006-137]**

ADULT MEDIA — Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

ADULT MEDIA STORE — An establishment that rents and/or sells media, and that

media meets any of the following tests:

A. 10% or more of the gross public floor area is devoted to adult media as defined in this Code.

B. 10% or more of the stock-in-trade consists of adult media as defined in this Code.

C. It advertises or holds itself out in any forum as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than an adult cabaret, adult hotel/motel, adult lingerie modeling studio, adult modeling studio, or adult motion-picture theater as defined in this Code.

ADULT MODELING STUDIO — A business which provides, for any form of compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas," as defined herein, to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Adult Modeling Studio" does not include schools maintained pursuant to standards set by the State of Illinois.

ADULT MOTION PICTURE THEATER — An establishment emphasizing or predominantly showing sexually oriented movies distinguished or characterized by an emphasis on matters depicting, describing, or relating to "hard-core material," "specified anatomical areas" and/or "specified sexual activities" (as defined in this Code) for observation by patrons therein.**[Ord. No. 2006-137]**

ADULT SEX BUSINESS — Any sexually oriented entertainment business, including any business establishment that regularly features live entertainment distinguished or characterized by an emphasis on the exposure of specified anatomical areas or specified sexual activities, as defined herein, or any business establishment whose primary purpose is the sale or display of any explicit sexual material which, pursuant to state law or other regulatory authority, can be offered only to persons over the age of 18 years. It shall be unlawful for any person under the age of 18 years to be within any building that is the site of an "Adult Sex Business." "Adult Sex Business" may include an adult cabaret, adult hotel/motel, adult media store, adult modeling studio, adult motion-picture theater, adult video arcade, adult lingerie modeling studio, adult video arcade, or a sex shop.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT — An adult -use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. **[Added 12-16-2019 by Ord. No. 2019-89]**

ADULT-USE CANNABIS CRAFT GROWER — A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder. **[Added 12-16-2019 by Ord. No. 2019-89]**

ADULT-USE CANNABIS CULTIVATION CENTER — A facility operated by an

organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder. **[Added 12-16-2019 by Ord. No. 2019-89]**

ADULT-USE CANNABIS DISPENSING ORGANIZATION — A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder. No on-site consumption is allowed. **[Added 12-16-2019 by Ord. No. 2019-89]**

ADULT-USE CANNABIS INFUSER ORGANIZATION or INFUSER — A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder. **[Added 12-16-2019 by Ord. No. 2019-89]**

ADULT-USE CANNABIS PROCESSING ORGANIZATION or PROCESSOR — A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder. **[Added 12-16-2019 by Ord. No. 2019-89]**

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION or TRANSPORTER — An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time to time, and regulations promulgated thereunder. **[Added 12-16-2019 by Ord. No. 2019-89]**

ADULT VIDEO ARCADE — Any place in an adult media store to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture, or video machines, projectors, or other image-producing devices are maintained to show images distinguished or characterized by an emphasis on matters depicting, describing, or relating to "hard-core material," "specified anatomical areas" and/or "specified sexual activities" (as defined in this Code) in video-viewing booths or arcade booths for observation by patrons therein. Adult video arcades are prohibited except when located within an adult media store.**[Ord. No. 2006-137]**

AGENCY-OPERATED FAMILY HOME — A facility which provides care

Ord. No. 2022-99

for no more than four children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. The term "agency-operated home" shall also be deemed to mean an agency staffed home which provides resident services to not more than four individuals who are handicapped, aged, developmentally disabled or mentally ill. **An agency-operated family home provides 24 hour supervision and consultation and does not provide an alternative to incarceration for a criminal offense, nor placement for substance of alcohol abuse.**

Ord. No. 2022-99

AGENCY-OPERATED GROUP HOME — A facility which provides care for more than four but not more than 10 children placed by and under the supervision of a licensed welfare agency with these homes being owned or rented, staffed, maintained, and otherwise operated by the agency. The term "agency-operated group home" shall also be deemed to mean an agency staffed home which provides resident services to more than four but not more than 10 individuals who are handicapped, aged, developmentally disabled, or mentally ill. **An agency-operated family home provides 24 hour supervision and consultation and does not provide an alternative to incarceration for a criminal offense, nor placement for substance or alcohol abuse**.

Ord. No. 2022-99

AGENCY-SUPERVISED HOME— A facility under the direct and regular supervision of a licensed welfare agency (including an agency which receives or arranges for the care or placement of children who have behavioral problems involving violations of criminal law), of the Illinois Department of Children and Family Services, of a circuit court, or of any other state agency which has authority to place children in child care facilities, and which receives no more than eight children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

Ord. No. 2022-99

AGRICULTURAL (AGRICULTURAL USES) — The growing, harvesting and storing of crops including legumes, hay, grain, fruit or vegetable crops, floriculture, horticulture, viticulture, mushroom growing, orchards and forestry; farm buildings for storing and protecting farm machinery and equipment from the elements; and farm dwelling units occupied by farm owners, operators, tenants or seasonable or year round hired farm workers. This definition includes all types of agricultural operations, but excludes therefrom animal husbandry and industrial operations such as grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.**[Ord. No. 2006-137]**

Ord. No. 2022-99

AGRICULTURAL EXHIBIT — See "fairground."

Ord. No. 2022-99: DEFINITION REMOVED

AIRCRAFT — Any contrivance now known or hereafter invented for use in or designed for navigation or flight in the air.**[Ord. No. 2006-137]**

AIRCRAFT SALES AND SERVICE — A building for the retail sale, storage, care, or repair of private or commercial aircraft.

AIRCRAFT STORAGE — See "airplane hangar, private" and "airplane hangar, public."

AIRPLANE HANGAR, PRIVATE — A hangar for the storage of four or less aircraft with a seating capacity of less than six persons and in which no volatile or flammable oil is handled, stored or kept other than that contained in the fuel storage tank of the aircraft.

AIRPLANE HANGAR, PUBLIC — A building for the storage, care or repair of private or commercial aircraft not included in the term "private hangar."

AIRPORT AND LANDING FIELDS — Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.**[Ord. No. 2006-137]**

AIRPORT PASSENGER TERMINAL — A building at an airport where passengers transfer between ground transportation and the facilities that allow them to board and disembark aircraft.

ALLEY - Any roadway, other than a city street, which is less than 30 feet wide and affords a secondary means of access to property and is not intended for general traffic circulation. Frontage on an alley shall not be construed as satisfying the requirements related to a frontage on a public street

Ord. No. 2022-99

ALTERATION -As applied to a building or structure, alteration shall mean any change in size, shape or construction of a building or structure; any change to structural members such as walls or partitions, columns, beams or girders; or any change in the use thereof. As applied to a building or structure in the S-4 Historic Preservation District, alternation also means any act or process that changes the exterior architectural appearance of a building or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any building or structure in whole or in part.

Ord. No. 2022-99

AMBULATORY SURGICAL TREATMENT CENTER —Any institution, place or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures or any facility in which a medical or surgical procedure is utilized to terminate a pregnancy, irrespective of whether the facility is devoted primarily to this purpose. Such facility shall not provide beds or other accommodations for the overnight stay of patients; however, facilities devoted exclusively to the treatment of children may provide accommodations and beds for their patients for up to 23 hours following admission. Individual patients shall be discharged in an ambulatory condition without danger to the continued wellbeing of the patients or shall be transferred to a hospital. The term 'ambulatory surgical treatment center' does not include any of the following:

Ord. No. 2022-99

A. Any institution, place, building, or agency required to be licensed pursuant to the

"Hospital Licensing Act" approved July 1, 1953, as amended.

B. Any person or institution required to be licensed pursuant to the 'Nursing Home Care Act', approved August 23, 1979, as amended.

C. Hospitals or ambulatory surgical treatment centers maintained by the State or any department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitals or ambulatory surgical treatment centers under its management and control.

D. Hospitals and ambulatory surgical treatment centers maintained by the Federal Government or agencies thereof.

E. Any place, agency, clinic, or practice, public or private, whether organized for profit or not, devoted exclusively to the performance of dental or oral surgical procedures.

AMUSEMENT CENTER — An establishment, the principal use of which is the operation of mechanical, electronic and/or video type game machines.

AMUSEMENT PARK — An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

ANIMAL BREEDING SERVICES — An establishment that is primarily engaged in the breeding of dogs, cats, pets, fowl, horses, or other domestic animals for profit, but excluding animals used for agricultural purposes.

ANIMAL DETENTION FACILITY, WITH OUTDOOR EXERCISE AREAS — A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals, with an outdoor exercise area.

ANIMAL DETENTION FACILITY, WITHOUT OUTDOOR EXERCISE AREAS — A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals, without an outdoor exercise area.

ANIMAL HOSPITAL — Any building, or portion thereof, designed or used for the care, observations, treatment of domestic animals.**[Ord. No. 2006-137]**

ANIMAL RUN — An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals in the context of kennels. Ord. No. 2022-99

ANTENNA — A device designed and used to transmit and/or receive radio or electromagnetic waves. Examples include radio and television transmitters, panel antennas, directional antennas, and microwave dishes.

APIARY (BEEKEEPING) - A location where beehives of honey bees are kept. May refer to hives meant for commercial, personal, or educational use. The maintenance of honey bee colonies of commercial, personal, or educational purposes including, to collect their honey, beeswax, propolis, flower pollen, bee pollen, and royal jelly; to pollinate crops; or to produce bees for sale to other bee keepers.

Ord. No. 2022-99

APPLICANT — The owner of the property or the authorized representative of the owner applying for development approval.

APRON — That portion of a driveway located between the curb and the property line or in the absence of a curb between the street pavement and the property line.

AQUACULTURE — The cultivation of freshwater or saltwater populations under controlled conditions including fish, crustaceans, mollusks, aquatic plants, algae, and other similar organisms.

AQUAPONICS — A system that combines conventional aquaculture with hydroponics in a symbiotic environment.

Ord. No. 2022-99

ARTISANAL/CRAFT PRODUCTION AND RETAIL — An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items or artisanal quality. This category also includes small-scale alcohol production* outlined and defined in 235 ILCS 5/5-1 (*production amounts and distribution requirements regulated by the Illinois Municipal Code and Chapters 6 and 26 of the City of Bloomington City Code).**[Amended 8-24-2020 by Ord. No. 2020-55]**

AUCTION HOUSE — A building, area or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes therefrom an auction, the principal purpose of which is the sale of livestock or motor vehicles.

AUDITORIUM — See "theater."

AUTOMOBILE SALVAGE YARD (MOTOR VEHICLE SALVAGE YARD) — See "junkyard (salvage yard)."

AUTOMOBILE SERVICE STATION —

A. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition any of the following services may be rendered or sales made:

   (1) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;

   (2) Tire servicing and repair, but not recapping or regrooving;

   (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;

   (4) Radiator cleaning and flushing;

   (5) Washing and polishing, and sale of automotive washing and polishing materials;

ARBOR - A shelter of vines or branches or of latticework covered with climbing shrubs or vines.

ARCHITECTURAL FEATURE - An element of a building or a structural including, but not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

ASSISTED LIVING FACILITIES - A special combination of housing, supportive services, personalized assistance, and/or health care designed to respond to the individual needs of those who need help with activities of daily living because of age or medical condition. This also includes independent living, elderly housing, nursing homes, and hospices.

(6) Greasing and lubrication;

(7) Providing and repairing fuel pumps, oil pumps, and lines;

(8) Servicing and repair of carburetors;

(9) Emergency wiring repairs;

(10) Adjusting and repairing brakes;

(11) Minor motor adjustments not involving the removal of the head or crankcase or racing the motor.

B. Activities permissible at an automobile service station do not include aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations.

AWNING — A roof-like cover which projects from the wall of a building and overhangs into a yard or public or private street.

§ 44-1603. [Ch. 44, 16-3] Definitions "B."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

BALCONY — An elevated platform that is connected to an exterior building wall and surrounded by a low wall or railing.

BARRACKS — A building used especially for the lodging of soldiers in garrison.

BARS — An establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor.

BASEMENT (CELLAR) — The story of a building which is partly below and partly above grade, and having at least 1/2 its height above grade. Ord. No. 2022-99

BAY WINDOW — A window projecting beyond the wall line of a building.

BED-AND-BREAKFAST ESTABLISHMENTS — An operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms," each limited to two transient adult guests per night, for rent, in operation for more than 10 nights in a twelve-month period. Only breakfasts may be provided to the guests. Bed-and-breakfast establishments shall not include motels, hotels, boarding houses, lodging houses or food service establishments.

BEE KEEPING — See "Apiary".

BASE STATION -A lawfully constructed structure at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, but does not encompasses a tower or any equipment associated with a tower. The term includes but is not limited to radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Ord. No. 2022-99

BERM — A man-made mound of earth constructed so as to provide a barrier in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

BICYCLE RACK — A bicycle rack or bicycle parking rack is a stationary fixture to which a minimum of two bicycles can be securely attached to prevent theft.

Ord. No. 2022-99: DEFINITION REMOVED

BLOCK — A tract of land bounded by streets or by a combination of one or more streets and parks, cemeteries, shorelines of streams or other waterways, corporate limit lines, railroad rights-of-way, or other lines of demarcation.

BOARD OF ZONING APPEALS (ZONING BOARD OF APPEALS) — The **Zoning Board of** Appeals for the City of Bloomington, Illinois.

Ord. No. 2022-99

BOARDING AND ROOMING HOUSE — Any residential building, or any part thereof, containing one or more rooming units, arranged or used for lodging, with or without meals, for compensation, by four or more and not more than 20 individuals who do not constitute a family.

Ord. No. 2022-99

BOARDING SCHOOL — An educational facility in which all or a portion of students live on premises.

BROADCAST STUDIO. See "Recording Studio".

Ord. No. 2022-99

BUFFER - Vegetative material, structures (e.g. walls, fences), berms, or any combination of these elements that are used to separate and screen land uses from one another.

Ord. No. 2022-99

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT — The vertical distance from the grade to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each adjacent street frontage. Where it is not practical to use the average of the grades at the center of each street, frontage height shall be measured from the immediate average grade.

BUILDING MATERIALS AND SUPPLIES - Retailing, wholesaling, or rental of building supplies and equipment. This classification includes but is not limited to floor covering stores, heating and plumbing equipment sales and lumber yards, but excludes retail sale of paint, glass, wallpaper and hardware activities classified under "vehicle sales and service.

Ord. No. 2022-99

BUILDING SETBACK (REQUIRED YARD) — The area established by this Code, into which a building shall not extend, except as otherwise provided for by this Code.

BUILDING SETBACK LINE (REQUIRED YARD LINE) The line established by this Code, beyond which a building shall not extend, except as otherwise provided for by this Code. Ord. No. 2022-99

BUILDING, EXISTING — Any building erected prior to the applicability of this Code, thereto or one for which a legal building permit heretofore has been issued.

BUILDING, PRINCIPAL — A building in which a principal use of a lot on which it is located is conducted.

BUILDING, RESIDENTIAL — A building which is arranged, designed, used as intended to be used for residential occupancy by one or more persons and which includes, but is not limited, to the following types:

A. Single-family attached and detached dwelling units.

B. Two-family dwelling units.

C. Multiple-family dwelling units.

D. Agency supervised homes.

E. Agency-operated family homes.

F. Agency-operated group homes.

G. Barracks, convents, monasteries.

H. Group homes for parolees.

I. Dormitories.

J. Assisted Living Facilities. Ord. No. 2022-99

BUILDING, TEMPORARY — Any building not designed or intended to be permanently located, placed or affixed in the place where it is, typically in place during construction of a principal structure, a special event, or for a period not to exceed one (1) year. Ord. No. 2022-99

BULK — A term used to measure, assess, and regulate the impact of buildings, structures or land uses on other nearby buildings, structures or land uses and includes the following factors:

A. Size and height of buildings;

B. Location of exterior walls and required on-site facilities at all levels in relation to lot lines, public streets, or to other buildings;

C. Gross floor area of buildings in relation to lot area (floor area ratio);

D. All open spaces allocated to buildings;

E. Amount of lot area provided per dwelling unit; and

F. Type, amount and location of landscaping and site screening used to shield or reduce the impact of land uses on surrounding property.

BUS AND TAXI PASSENGER TERMINAL — Any premises for the transient housing or parking of motor driven buses and taxis, and the loading and unloading of passengers.

BUSINESS (COMMERCIAL) — A location wherein an occupation, employment or enterprise which makes use of time and labor or attracts attention, or wherein merchandise is exhibited or sold, or recreational or amusement enterprises operated, or where services are offered for consideration.

BUSINESS AND TRADE SCHOOLS — A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills.

§ 44-1604. [Ch. 44, 16-4] Definitions "C."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

CAMP AND CAMPING ESTABLISHMENT — Any plot of land intended for exclusive occupancy by a tent, trailer, recreational vehicle, or similar structure established or maintained and operated as temporary living quarters for recreation, education, or vacation purposes.

CAMPING AND RECREATIONAL EQUIPMENT — Any truck camper, trailer, travel trailer, motor vehicle, marine craft, aircraft or tent used for recreation purposes.

CANOPY — A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground so as to
extend outward from the building providing a protective shield for doors, windows and other openings. Ord. No. 2022-99

CAR WASH — A building or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods with a chain conveyor blower, steam cleaning device, or other mechanical devices; or providing space, water, and equipment for the hand-washing of autos, whether by the customer or the operator.

CARPORT — An automobile shelter, usually formed by extension of the roof from the side of a building, and enclosed on not more than two sides by walls.

CATERING SERVICE — A business establishment engaged in the preparation of food and beverages for consumption at another location. Catering shall not include the manufacturing of food as defined in "Food and Kindred Industries."

CELLAR — **See "Basement".** Ord. No. 2022-99

CEMETERY - Land used or intended to be used for the burial of the human dead, including columbaria, mausoleums and mortuaries, if operated in connection with, and within the boundaries of such cemetery. Ord. No. 2022-99

CERTIFICATE OF APPROPRIATENESS — A certificate issued by the Historic Preservation Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within an S-4 Historic Preservation District.

CERTIFICATE OF ECONOMIC HARDSHIP — A certificate issued by the Historic Preservation Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied.

CERTIFICATE OF USE AND OCCUPANCY — The certificate issued by the Director of Economic and Community Development which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law and ordinances for the use or occupancy of the building in its several parts together with any special stipulations or conditions therein.**[Amended 10-26-2020 by Ord. No. 2020-69]**

Ord. No. 2022-99: DEFINITION REMOVED

Proposed Change

CHICKEN-KEEPING - The maintenance of domesticated chickens for commercial, personal, or educational purposes including, to collect their eggs, assist in composting; or as companion animals.

CHILD (CHILDREN) — Any person or persons under 18 years of age.

CHILD CARE FACILITY (FACILITY FOR CHILD CARE) — Any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which received or arranges for care of placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Illinois Child Care Act of 1969, established and maintained for the care of children.

CHILD WELFARE AGENCY — A public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement of the child or children in foster family homes or other facilities for child care, apart from the custody of the child's or children's parents. The term "Child Welfare Agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care, for children outside their own homes, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court.

CHIMNEY — An enclosure containing one or more passageways for the products of combustion of a fire or furnace to flow through.

CHURCH (CHAPEL), (MOSQUE), (SYNAGOGUE), (TEMPLE) — A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

CITY (MUNICIPALITY) — The City of Bloomington, Illinois.

CITY CLERK — The City Clerk of the City of Bloomington, Illinois, or his or her duly authorized representative.

CITY MANAGER — The City Manager of the City of Bloomington, Illinois, or his or her duly authorized representative.

CITY PLANNER — The City Planner of the City of Bloomington, Illinois, or his or her duly authorized representative.

CLEAN WOOD — Untreated wood or untreated wood products, including clean untreated lumber.

CLOTHING CARE - A commercial business established for the maintenance, cleaning or alteration of apparel, including but not limited to tailor, dry cleaning, coin laundry, shoe repair, etc.

Ord. No. 2022-99

CLUB or LODGE — A nonprofit corporation or association of persons who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

Ord. No. 2022-99: DEFINITION REMOVED

COLLECTOR STREET — A street that serves as a connection between a major street and minor streets. Its primary function is to distribute and collect traffic to and from minor streets. A collector street functions to conduct traffic between major streets and/ or activity centers. It is a principal traffic artery within residential areas and carries a moderate volume of traffic. The collector street has potential for sustaining minor retail or other commercial establishments along its route which will influence the traffic flow.

COLLEGE (UNIVERSITY) -An institution of higher education accredited by a regional organization or authorized by the State of Illinois to issue undergraduate, graduate, and professional level degrees. A college or university shall be inclusive of college administration buildings, classrooms and laboratories, maintenance facilities, dormitories, athletic buildings and fields, student clubs and associations, libraries and other facilities or buildings customarily associated with a college or university.

Ord. No. 2022-99

COLLEGE AND UNIVERSITY FACILITIES — Any structure utilized by a private or public college or university for purposes including but not limited to congregation, assembly, performance, and recreation. Not to include classrooms.

COLLOCATE — To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

COLUMBARIUM — A building or structure or area within a building or structure intended to be used for the interment of the cremated remains of a deceased person or animal.

COMMERCIAL CLEANING AND REPAIR SERVICES — A building, portion of a building, or premises used or intended to be used for repair and/or cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

COMMERCIAL - See "Business".

Ord. No. 2022-99

COMMERCIAL COMMUNITY KITCHEN — An approved facility licensed as a Food Manufacturer that may be used by licensed businesses for commercial purpose; allowed use of a Community Kitchen as an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.

COMMERCIAL RECREATION FACILITIES — See "recreation facilities, commercial."

COMMERCIAL SOLAR ENERGY CONVERSION FACILITY — A solar

photovoltaic system that is structurally mounted on the ground and is not roof-mounted, with a minimum nameplate capacity of 250 kilowatts (kw) direct current; energy generated by the system can be used onsite or sold commercially.

COMMERCIAL WIND ENERGY CONVERSION FACILITY — A wind energy system of one or more wind towers and turbines that has a rated capacity of more than 100 kw and is used to generate energy for commercial sale.

COMMISSION (PLANNING AND ZONING COMMISSION) — The Planning Commission of the City of Bloomington, Illinois.

COMMON DRIVEWAY — A common driveway is a driveway serving two or more structures or off-street parking areas, which are located on individual lots.

COMMON RECREATION SPACE - A privately-owned and maintained parcel or parcels of land reserved primarily for the leisure and recreational use of the residents of a planned unit development.

Ord. No. 2022-99

Ord. No. 2022-99: DEFINITION REMOVED

COMMUNICATIONS SERVICE — Cable service, as defined in 47 U.S.C. § 522(6), as amended; information service as defined in 47 U.S.C. § 153(24), as amended; telecommunications service, as defined in 47 U.S.C § 153(53), as amended; mobile service, as defined in 47 U.S.C. § 153(33), as amended; or wireless service other than mobile service.

COMMUNITY CENTER — A facility maintained by a public agency or by a not-for-profit community or neighborhood, corporation, association primarily for social, recreation, or educational needs of the community or neighborhood.

COMMUNITY RECEPTION ESTABLISHMENT — An owner/operator occupied residential building of historic architectural significance located on a lot in a "S-4 Historic Preservation District" and used as a "bed-and-breakfast establishment" as defined herein and suitable to be used as a "Place of Assembly" defined herein.

COMPACTED SURFACE — A closed graded, dust free, crushed aggregate surface having a minimum thickness of eight inches compacted to 100% of standard laboratory density.

COMPATIBLE USE — A land use which is capable of direct association with certain other uses because it is complementary, congruous, or otherwise not detrimental.

COMPOSTING — The controlled decomposition of organic materials using aerobic bacteria.

COMPOSTING FACILITY — A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, the storage, marketing or use of the compost.

COMPREHENSIVE PLAN — A compilation of policy statements, goals and objectives, standards, maps and statistical data for the physical, social and economic development, both public and private, of the City of Bloomington, Illinois and its environs, as adopted by the City Council.

CONCEALMENT — A technique or combination of techniques that blend an object into the surrounding environment and to minimize the visual impact as much as reasonable possible. Examples of concealment techniques include eliminating all horizontal projections; architecturally screening roof-mounted antennas and accessory equipment; integrating wireless communications facilities into architectural elements; nestling wireless communications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public; minimizing the size and appearance of wireless communications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.

CONSTRUCTION — The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot.

Ord. No. 2022-99: DEFINITION REMOVED

CONVENT — The dwelling units of a religious order or congregation.

CORPORATION COUNSEL — Legal counsel for the City of Bloomington, Illinois or his or her duly authorized representative.

COUNCIL (CITY COUNCIL) — The City Council of the City of Bloomington, Illinois.

COUNTRY CLUB — A club with recreation facilities for members, their families, and invited guests.

COURTHOUSE — A building that is home to a local court of law and other regional county government functions.

CREMATORY - A building or facility in which human remains are incinerated to ashes.

Ord. No. 2022-99

CUL-DE-SAC — A street terminated at one end with a turnaround, the open end being the only means of access to another street.

CULTURAL INSTITUTIONS — Establishments that document the social and religious structures and intellectual manifestations that characterize a society, and include museums, art galleries, and similar establishments that document and present natural, historic, scientific, or cultural interests.

CURB LEVEL — The level of the established curb in front of a building or structure measured at the center of such front. Where no curb has been established, it shall be deemed to be the established elevation of the center line of the street surface in front of a building or structure measured at the center line of such front.

Ord. No. 2022-99: DEFINITION REMOVED

§ 44-1605. [Ch. 44, 16-5] Definitions "D."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

DAY-CARE CENTER

A facility that provides supervision and care for people who cannot be fully independent, such as children and the elderly. Includes child and adult day-care facilities.

Ord. No. 2022-99

A. CHILD DAY-CARE HOME

A premises in which care is provided for more than three children that is licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969 (225 ILCS 10/1 et seq.). No day care home operator may care for more than a total of eight children, not including the caregiver's own children under age 12.

B. CHILD DAY-CARE CENTER

A premises licensed by the State of Illinois and receiving more than eight children 12 years of age and under for care during all or part of a day or night for consideration. As used herein the term children does not include the children of the operator(s) of the Day-care center.

C. ADULT DAY-CARE CENTER

A premises that provides social or recreational programs, health services, supervision, or other care for functionally or cognitively impaired adults principally during daytime hours, not more than 12 hours a day or more than 6 days per week; this definition includes adult day health care centers but does not include Assisted Living Facilities, hospitals, or other facilities that routinely provide medical treatment or overnight care.

DECK — A roofless outdoor structure built as an aboveground platform supported by posts, at least one foot above grade; a deck may or may not be attached to the main building, and may or may not have railings or steps; a deck is generally of significant size and is used primarily for recreation uses, and secondarily as an entrance and exit to the building.

DEMOLITION — Any act or process that destroys in part or in whole a building or structure.

DENSITY, GROSS — The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development, as well as rights-of-way of dedicated streets—the results being the number of dwelling units per gross acre of land.

DESIGN GUIDELINE — A standard of appropriate activity that will preserve the historic and architectural character of a structure or district.

DEVELOPER — (See "owner").

DEVELOPMENT — The act of changing or the state of a tract of land after its function has been purposefully changed, including but not limited to, erection of structures on the land and alterations to the land.

DIAGNOSTIC IMAGING CENTER — A facility offering diagnostic imaging services on an outpatient basis to ambulatory patients. The imaging modalities may include general X-ray services, CT scans, MRI scans, ultrasound, fluoroscopy, mammography and any other generally recognized imaging methods commonly utilized on an outpatient basis.

Ord. No. 2022-99: DEFINITION REMOVED

DIRECT-TO-HOME SATELLITE SERVICES — The distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.

DIRECTOR OF ECONOMIC AND COMMUNITY DEVELOPMENT — The Director of the Department of Economic and Community Development for the City of Bloomington, Illinois, or his or her duly authorized representative.**[Amended 10-26-2020 by Ord. No. 2020-69]**

DIRECTOR OF ENGINEERING — The Director of the Department of Engineering for the City of Bloomington, Illinois, or his or her duly authorized representative.

Ord. No. 2022-99: DEFINITION REMOVED

DISTRIBUTED ANTENNA SYSTEM — A system consisting of:

A. A number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception;

B. A high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub; and

C. Radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

DISTRICT — A portion of the City within which specific regulations or requirements, unique thereto, apply under the provisions of this Code.

DOMESTIC UTILITY TRAILER — A single-axle trailer used for domestic or recreational purposes only and not exceeding any of the following dimensions: six feet in width; 12 feet in length or eight feet in height. No domestic utility trailer may be used for business or commercial purposes.

DOMESTIC VIOLENCE SHELTER — A residential facility serving as a center to receive and house persons who are victims of domestic violence, including dependents of the victim, to provide temporary boarding, lodging, counseling, and day care. The facility shall meet all certification requirements of the State of Illinois.

DORMITORY (STUDENT RESIDENCE HALL) — A dormitory is a residential building where group sleeping accommodations are provided for persons not members of the same family and where the number accommodated exceeds that allowed in a

dwelling unit in the district. The group sleeping accommodations may be in one room or in a series of closely associated rooms under occupancy and single management as in college dormitories, fraternity houses, sorority houses, military barracks, etc., regardless of whether meals are provided.

Ord. No. 2022-99: DEFINITION REMOVED

DRIVE-IN MOTION PICTURE THEATER — Any outdoor business establishment in which motion pictures, slides or similar photographic reproductions are shown as the principal use of the premises or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such motion pictures, slides or similar photographic reproductions are shown on a regular basis; but excludes therefrom "adult motion-picture theaters" as defined herein.

DRIVE-THROUGH — A component of a retail or service use designed and operated to serve a patron who is seated in an automobile.

DRIVEWAY — A compacted private access way for motor vehicles between a public or private street and one or more structures or off-street parking areas.

DRIVING RANGE — An outdoor area equipped with distance markers, clubs and balls, and tees for practicing golf drives and putting, and which may include a snack-bar and a proshop but excludes miniature golf courses.

DRUG STORE — A pharmacy that includes general merchandise sales as part of their business plan or operations.

DWELLING

A building designed or used principally for residential occupancy, including, without limitation, single-family dwellings, two-family dwellings, and multiple-family dwellings.

Ord. No. 2022-99

A. SINGLE FAMILY

A type of Dwelling. A dwelling containing one (1) dwelling unit surrounded by open space with no party wall.

B. TWO-FAMILY (DUPLEX)

A type of Dwelling. A dwelling containing two (2) dwelling units. Two-Family dwellings include buildings, designed for and occupied by two families living together independently of each other, with or without a shared entrance, integrated vertically or horizontally. This includes dwellings that span two parcels, each designed for and occupied by a single family, having one common party wall and one side yard per lot.

C. SINGLE-FAMILY ATTACHED (TOWNHOUSE, ROWHOUSE)

A type of Dwelling. A series of three or more noncommunicating single-family dwellings having a common party wall between each two adjacent sections. Each dwelling unit shall occupy the internal space from the ground to the roof. “Dwelling, Single-Family Attached" refers to the design of a building and does not reflect the type of ownership of the individual units.

D. MULTIPLE-FAMILY

A type of Dwelling. A dwelling containing three (3) or more dwelling units, with or without a shared entrance, whether integrated vertically or horizontally.

DWELLING, CONVERSION, TWO-FAMILY (2 UNITS) - A building originally designed or intended to be used principally as a single-family residence, which has been legally converted into use as a two-family residence.

DWELLING, CONVERSION, MULTIPLE-FAMILY (3+ UNITS) - A building originally designed or intended to be used principally as a single-family residence, which has been legally converted into use as a multifamily residence.

DWELLING UNIT - One or more rooms arranged or designed for the use of one family living together as a single housekeeping unity with cooking, living, sanitary, and sleeping facilities in a self-contained unit, so that access to the street and any additional facilities (such as laundry, heating units, etc.) can be gained without passing through any other residential or commercial unit.

Proposed Change

DWELLING UNIT, ACCESSORY (ADU) - A small, independent residential dwelling unit located on the same lot as a stand-alone single-family home.

§ 44-1606. [Ch. 44, 16-6] Definitions "E."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

EASEMENT — A right to use a portion of the land or another for a purpose not consistent with a general property right of the owner.

EFFICIENCY UNIT — A dwelling unit that has only one combined living and sleeping room, said dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate room containing only toilet and bathing facilities.

ELECTRICITY PRODUCTION PLANT - An industrial facility for the generation of electric power. An electricity production plant contains one of more generators and utilized energy sources such as coal, oil, natural gas, and hydroelectric. This definition does not include Nuclear Power Plants.

Ord. No. 2022-99

ELECTRONICS ASSEMBLY PLANT - A manufacturing and assembly plant where components are assembled for finished consumer electronics such as computer hardware, software, electronic devices, semiconductors, telecommunications equipment and similar technological devices.

ELEVATIONS DRAWING — A vertical view drawing of the front, side, or rear of a structure that describes the design, floor-to-floor dimensions, building height, window and door dimensions, and signs.

EMERGENCY FACILITY — A facility in which the operations of publicly owned safety and emergency services, such as, but not limited to, fire stations and police stations are conducted.

ENTERTAINMENT VENUE — See "exhibition venue."

ESTABLISHMENT — Any business.

EXCAVATION — Any breaking of ground, except common household gardening and ground care.

EXHIBITION VENUE — Any establishment at which an exhibit of animals, human beings, or objects is featured for the purpose of amusement and entertainment, and at which the public pays an admission fee.

EXPLICIT SEXUAL MATERIAL — Any hard-core material as defined by this Code.

EXTENDED-STAY HOTEL/MOTEL — A building or structure intended as, used as, maintained as or advertised as a place where sleeping accommodations are furnished to the public as regular roomers, primarily for one week or more.

EXTERIOR ARCHITECTURAL APPEARANCE — The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

§ 44-1607. [Ch. 44, 16-7] Definitions "F."

The following words and terms wherever they occur in this Code shall be interpreted as

herein defined:

Ord. No. 2022-99

FABRICATED METAL INDUSTRIES - The manufacturing process by which metal is transformed into intermediate or end products, other than machinery, computers and electronics, and metal furniture. Fabricated metal processes include forging, stamping, bending, forming, and machining used to shape individual pieces of metal; and welding and assembling, used to join separate parts together.

FAIRGROUND — An area of land use including but not limited to agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

FAMILY — One or more persons, each related to the other by blood, adoption, or marriage, living in a dwelling unit. One or more persons each related to the other by blood, adoption, or marriage and not more than two other persons not related by blood, adoption or marriage living in a dwelling unit shall also be deemed to constitute a family. Any child living in a "Foster Family Home" as that term is defined herein shall also be deemed to be part of a family. However, in no case shall more than two persons not related by blood, adoption or marriage occupy any efficiency unit or a one bedroom dwelling unit as defined herein. Three or more unrelated parolees living in one dwelling unit shall not be considered to be a "family" for purposes of the Zoning Code unless all such parolees are actually related by blood, adoption, or marriage. "Parolees" shall have the definition set forth in Chapter 26, § 26-201, of the Bloomington City Code.

FARM MACHINERY SALES AND SERVICE — A use primarily engaged in the sale or rental of farm tools and implements.

FARMER'S MARKET — An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, value added agricultural products, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

FENCE — A structure, other than a building or portion thereto, which is a barrier and is used as a boundary, screen, separation, means of privacy, protection, or confinement.

FINANCIAL SERVICES — Any building wherein the primary occupation is concerned with such federal or state regulated businesses such as banking, savings and loans, loan companies, and investment companies.

FIRE STATION — See "emergency facility."

FISH HATCHERY — A parcel or building where water dependent fishery facilities are located.

Ord. No. 2022-99

FLOOR AREA — The sum of the gross horizontal areas of the several floors measured in square feet from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall also include the basement floor area; elevator shafts and stairwells at each floor; floor space used for mechanical equipment (except equipment, open or closed, located on the roof), penthouses and attic space having average headroom of seven feet six inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory buildings, structures or uses, provided that any space devoted to outdoor off-street parking or loading shall not be included in floor area.

FLOOR AREA RATIO — The numerical value obtained through dividing the floor area

of a building or buildings by the lot area on which such building(s) are located.

FOOD AND KINDRED INDUSTRIES — Secondary manufacturing and packaging for processing of raw agricultural products into foods.

FOOD PANTRY — The charitable distribution of food and/or assorted clothing items, conducted by a nonprofit organization, which involves no sales of goods or services.

FORESTRY — The growing or harvesting of forest tree species used for commercial or related purposes.

FOSTER FAMILY HOME — A facility for child care in residences of families who receive no more than eight children unrelated to them, unless all the children are of common parentage, for the purposes of providing family care and training for children on a full-time basis. The family's own children under 18 years of age shall be included in determining the maximum number of children served. The term "Foster Family Home" includes homes receiving children from any state-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes — but excludes therefrom any "Agency-Operated Family Home," "Agency-Operated Group Home" or "Agency-Supervised Home" as defined herein. The types of foster family homes are defined as follows:

A. BOARDING HOME — A Foster Family Home which receives payment for regular full-time care of a child or children;

B. FREE HOME — A Foster Family Home, other than an adoptive home, which does not receive payments for the care of a child or children;

C. ADOPTIVE HOME — A Foster Family Home which receives a child or children for the purpose of adopting the child or children;

D. WORK-WAGE HOME — A Foster Family Home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law or by standards or regulations of the Illinois Department of Children and Family Services prescribed under the Illinois Child Care Act of 1969, as amended. The child or children may receive a wage in connection with the services rendered the foster family; and

E. INDEPENDENT HOME — A Foster Family Home, other than an adoptive home, which receives no more than four children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Illinois Department of Children and Family Services.

FRONTAGE — The measure of lineal contiguity between a lot or portion thereof and a street or public way. Ord. No. 2022-99

FRONTAGE, BUILDING — The length of any side of a building which fronts on a public street, a public or private parking area, or a pedestrian walk where costumer access to the building is available.

FRONTAGE, ROAD — Is a local street which is roughly parallel to and either adjacent to or within the right-of-way of an arterial street.

FUNERAL PARLOR, MORTUARY — A building or part thereof used for human funeral services. Such building may contain space and facilities for:

A. Embalming and the performance of other services used in the preparation of the dead for burial;

B. The performance of autopsies and other surgical procedures;

C. The storage of caskets, funeral urns, and other related funeral supplies;

D. The storage of funeral vehicles; and

E. Facilities for cremation.

FURNITURE AND FIXTURES INDUSTRIES - Manufacturing establishments engaged in the production of wooden furnishings, cases and cabinets. Ord. No. 2022-99

§ 44-1608. [Ch. 44, 16-8] Definitions "G."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

GARAGE, ACCESSORY — An accessory building which is intended for and used for storing passenger motor vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, REPAIR — A building, accessory building, or an accessory portion of the principal building on the premises which is intended for or being used for repair and servicing of motor vehicles or other motor driven means of transportation.

GENERAL OFFICE, BUSINESS OR PROFESSIONAL — A building or structure for the use of a person or persons for the conduct of business in any of the following related categories, architecture, engineering, planning, law, interior design, insurance, real estate, or any similar type of profession excluding financial services and medical or dental offices or clinics.

GLARE. See “Lighting, Glare”. Ord. No. 2022-99

GOLF CLUB — A clubhouse, shelter, and other uses accessory to a golf course.

GOLF COURSE — A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards.

GOVERNMENT SERVICES AND FACILITIES — Services and facilities owned and operated by Federal, State, or units of local government.

GOVERNMENTAL USES — Uses of land by Federal, State or units of local government.

GRADE - The ground elevation established for the purpose of regulating the height of a structure; the grade shall be the level of the ground adjacent to the structure if the finished grade is level; if the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground for each side of the structure, as measured six (6) feet from the exterior walls of the structure. Ord. No. 2022-99

Ord. No. 2022-99

GROCERY STORE, SUPERMARKET — A retail establishment which primarily sells food products for home preparation and consumption, convenience, and household goods, and secondarily sells prepared food items.

GROOMER — Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

GROSS FLOOR AREA — The total area of the building accessible or visible to the public, including showrooms, motion-picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, rest rooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

GROUP HOME FOR PAROLEES — A residential structure housing, in one dwelling unit, three or more unrelated parolees. Three or more unrelated parolees living in one dwelling unit shall not be considered to be a "family" for purposes of the Zoning Code unless all such parolees are actually related by blood, adoption, or marriage.

GROUP LIVING - Residential occupancy of a dwelling unit by other than a household and providing communal facilities; typical uses include adult foster care facilities, assisted living facilities, nursing homes, and transitional shelters.

Ord. No. 2022-99

GUN SHOP — Any premises or portion thereof used for the sale, vending, dealing, exchange, or transfer of firearms.

§ 44-1609. [Ch. 44, 16-9] Definitions "H."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

HABITABLE ROOM — A room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes, not including bathrooms, toilet compartments, laundries, pantries, foyers, hallways, and other accessory spaces.

HANDICAP — With respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of such impairment; or being regarded as having such an impairment. The term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. § 802]). An individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

A. PHYSICAL OR MENTAL IMPAIRMENT —

(1) Includes:

(a) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito/urinary; hemio and emphatic; skin; and endocrine; or

(b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

(2) The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus Infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of controlled substance) and alcoholism.

B. MAJOR LIFE ACTIVITIES — Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

C. HAS A RECORD OF SUCH AN IMPAIRMENT — Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

D. IS REGARDED AS HAVING AN IMPAIRMENT —

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or

(3) Has none of the impairments defined as a "physical or mental impairment" in Subsection A of this definition but is treated by another person as having such an impairment.

HARD SURFACE — Any asphalt or concrete surface of an approved thickness as required by Article VII of this Code, but excluding rock, gravel, grass, or dirt.

HARD-CORE MATERIAL — Media characterized by sexual activity that includes one or more of the following: erect male genitals; contact of the mouth of one person with the genitals of another; penetration with a finger or male genital or other object into any genital or anal orifice in another person; open female labia; penetration of a sexually oriented toy or novelty into any orifice in another person; male ejaculation; or the aftermath of male ejaculation.

HEALTH CLUB — An establishment that provides equipment and facilities for physical exercise or athletic activities on the premises; it shall not include, however, facilities for indoor sports activities that require a hard-surfaced type of court, a bowling alley, a swimming pool, ice skating or roller-skating rink facility.

Proposed Change - Need Definition

HEAVY INDUSTRIAL -

HEIGHT, STORY — The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

HEIGHT, TELECOMMUNICATION ANTENNA FACILITY — The vertical measurement from an identified base such as the ground or roof to the vertical apex of the telecommunication antenna facility.

HEIGHT, WALL — The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

HELIPORT — An area of land, water and/or a structure or building which is used or intended for use for the landing and taking off of helicopters; and any appurtenant areas which are used or intended for use for heliport buildings or other heliport facilities or rights-of-way, including all necessary pads, helicopter storage and tie down areas, hangars, and other necessary buildings and open spaces.

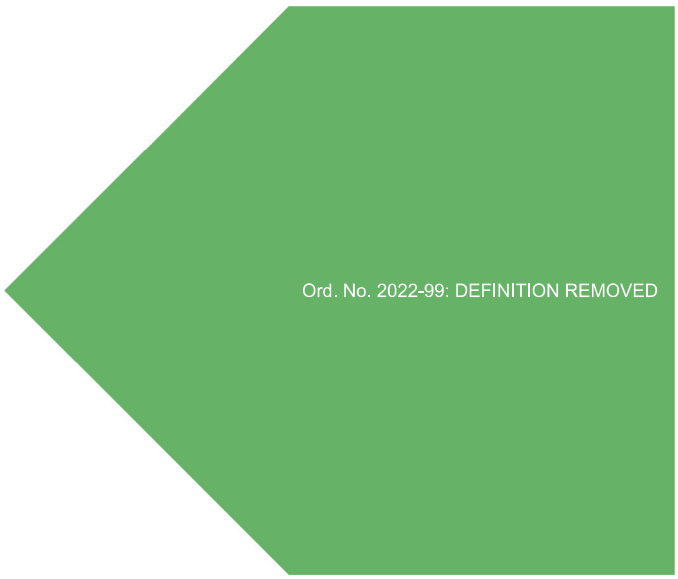
HELIPORT TERMINAL — A building at a heliport where passengers transfer between ground transportation and the facilities that allow them to board and disembark aircraft.

HEREAFTER — After the time that this Code becomes effective as to a particular land use or parcel of land.

HERETOFORE — Before the time that this Code became effective as to a particular land use or parcel of land.

HISTORIC AREA — An area containing buildings or places in which historic events have occurred or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community which warrant conservation and preservation.

HISTORIC DISTRICT — An historic area designated as an "S-4 Historic Preservation District" by ordinance of the City Council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, which not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within such historic area.



HOME IMPROVEMENT CENTER — An establishment selling various household goods, tools, and building materials, durable household goods (e.g. refrigerators, lawn care machines, washing machines), electronic equipment, household animal supplies, plant nursery products, etc. Plant nursery items and building materials may be kept outdoors.

HOME OCCUPATION — An occupation or business conducted within any dwelling unit which meets the standards of § 44-1020 of this Code.**[Amended 8-24-2020 by Ord. No. 2020-55]**

HORTICULTURAL SERVICES (LANDSCAPING SERVICES, NURSERY, GREENHOUSE) — A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises, including products used for gardening or landscaping. The definition of horticultural services, nursery, or greenhouse within the meaning of this Code does not include any space, building or structure used principally for the sale of fruits, vegetables, or Christmas trees.

HOSPITAL — An institution, licensed by the State of Illinois, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and/or other abnormal physical or mental conditions and includes, as an integral part of the institution, related facilities such as laboratories, outpatient facilities and/or training facilities.

HOTEL (MOTEL, MOTOR HOTEL) — An establishment which is open to transient guests, in contradistinction to a boarding house, lodging house, or apartment hotel, and is commonly known as a hotel (motel) in the community in which it is located; and which provides customary hotel services such as mail service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellhop service. A hotel may include a restaurant or cocktail lounge, banquet halls, ballrooms, or meeting rooms as accessory use. Ord. No. 2022-99

HYDROPONICS — The growing of plants in nutrient solutions without an inert medium, such as soil, to provide mechanical support.

§ 44-1610. [Ch. 44, 16-10] Definitions "I."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

IMPERVIOUS SURFACE — Any hard-surfaced, man-made area that does not readily absorb or retain water including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreational areas; synonymous with non-pervious surface.

IMPROVEMENT - Any building, structure, place, work of art, or other object constitution a physical betterment of real property, or any part of the betterment. Ord. No. 2022-99

INFRASTRUCTURE - Public or private structures that serve the common needs of the population, such as: potable water systems; wastewater disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

Ord. No. 2022-99

Ord. No. 2022-99: DEFINITION REMOVED

INSTRUCTIONAL STUDIO - A small-scale facility, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples include but are not limited to individual and group instruction and training in the arts; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

Ord. No. 2022-99

§ 44-1611. [Ch. 44, 16-11] Definitions "J."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

JUNK — Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, or trailer that is abandoned, demolished, discarded, dismantled, or so worn, deteriorated or in such a condition as to be generally unusable in its existing state, including without limitation, motor vehicles, scrap metal, scrap material, waste, bottles, tin cans, paper, rubble, boxes, crates, rags, used lumber, building materials, machinery parts, and used tires.

JUNKYARD (SALVAGE YARD) - Any lot, land, parcel, building, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Such terms shall also include any place of business, storage, or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap. This use includes vehicle salvage yards where two (2) or more unregistered or inoperable motor vehicles are dismantled or wrecked; any lot or parcel of land where two (2) or more unregistered, or inoperable, dismantled or wrecked motor vehicles or are stored, sold or dumped outdoors; or where used parts of motor vehicles or old iron, metal glass, paper, cordage, or other waste or discarded or secondhand material which has been a part of any motor vehicle are deposited for a period exceeding thirty (30) days.

Ord. No. 2022-99

§ 44-1612. [Ch. 44, 16-12] Definitions "K."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

KENNEL — Any premises or portions thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.

KITCHEN — Any room principally used intended or designed to be used for cooking or the preparation of food. The presence of a range or oven or utility connections suitable

for servicing a range or oven shall normally be considered as establishing a kitchen.

§ 44-1613. [Ch. 44, 16-13] Definitions "L."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

LABORATORY — A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to in the main purpose of the laboratory.

LANDING STRIP — A facility for take-off and landing of aircraft with or without services available for aircraft.

LANDMARK — A property or structure designated as a "landmark" by Ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City.

LIBRARY — An establishment or structure dedicated to the collection of books, periodicals, films, and other forms for people to read, borrow, and refer to.

Proposed Change - Need Definition

LIGHT INDUSTRIAL -

LIGHTING —

A. AVERAGE ILLUMINATION LEVELS — The overall average of all points on the surface of the illuminated area including the brightest and dimmest points.

B. CUT-OFF ANGLE — The angle between the vertical axis of a luminaire and the first line of sight (of a luminaire) at which the light source is no longer visible.

C. CUT-OFF FIXTURES — Cut-off fixtures control glare by directing light well below the horizon, out of the viewer's line of sight.

D. DIRECT LIGHT — Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.

E. FIXTURE — The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

F. FLOODLIGHT — A light fixture designed to light a scene or object to a level greater than its surroundings; the beam of floodlights may range from narrow field angles of 10° to wide angles (more than 100°).

G. FLUSH MOUNTED OR RECESSED LUMINAIRE — A luminaire that is mounted above a ceiling (or behind a wall or other surface) with the opening of the luminaire level with the surface.

H. FOOT-CANDLE — A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface foot away; foot-candle may be measured both horizontally and vertically by

a light meter.

I. GLARE — The condition that results from insufficiently shielded light sources or areas of excessive light within field of view.

J. LAMP — The component of a luminaire that produces the actual light including luminous tube lighting.

K. LIGHT POLLUTION — Artificial light which causes a detrimental effect on the environment, enjoyment of night sky, or causes undesirable glare or unnecessary illumination of adjacent properties or uses.

L. LIGHT SHIELD — Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

M. LUMINAIRE — The complete lighting system, including the lamp and the fixture.

N. LUMINAIRE, FULL CUT-OFF — A luminaire that allows no direct light emissions above a horizontal plane through the lowest-emitting part of the luminaire.

O. LUMEN — A measure of light energy generated by a light source; manufactures list lumen ratings for all their lamps; average lumen levels are lightly lower than initial lumen ratings.

P. MAXIMUM TO MINIMUM ILLUMINATION RATIO — The ratio of the maximum illumination level to the minimum level.

Q. MOUNTING HEIGHT — The vertical distance between the surface to be illuminated and the bottom of the light source.

R. LIGHTING, PEDESTRIAN-SCALE — Devices intended to provide outdoor lighting that are lower in height than typical streetlighting and located proximate to pedestrian areas such as sidewalks, open space areas, or plazas.

S. UNIFORMITY RATIO — The ratio of average illumination to minimum illumination.

LIQUOR STORE — An establishment engaged in the sale of alcoholic beverages for off-premises consumption.

LIVE/WORK UNIT — A dwelling unit use for both dwelling purposes and nonresidential use provided that no more than two persons who do not reside in the unit are employed on the premises.

LOADING SPACE, OFF-STREET — Space located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

LOT — A quantity of land capable of being described with such certainties that its location and boundaries may be established, and which is designated by its owner or developer as land to be conveyed, used or developed as a unit or which has been conveyed, used or developed as a unit, including any easements within its boundaries.

Such lot shall have a frontage on an improved public street or on an approved private street.

LOT AREA — The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT LINE, FRONT — That lot line which is abutting a public street or private street.

LOT LINE, REAR — That lot line which is most distant from and is roughly parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE — Any lot line which is not a front or rear lot line.

LOT OF RECORD — A lot which is part of a subdivision recorded in the office of the McLean County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, CORNER — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

LOT, DEPTH — The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT, FRONTAGE — The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered as having lot frontage.

LOT, INTERIOR — A lot which faces on one street or with opposite sides on two streets.

LOT, LINE — A property line dividing one lot from another, or from a street, pedestrian way, or railroad right-of-way.

LOT, NON-CONFORMING — (See "nonconforming lot.)"

LOT, OUT — A lot depicted on a Final Subdivision Plat which does not meet the requirements of this Code for lots of record and which may not be used for building or parking lots.

LOT, REVERSED CORNER — A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135°) to the general pattern in the area. A reversed corner lot may also be a corner lot, an interior lot or a through lot.

LOT, THROUGH — A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOT, WIDTH — The horizontal distance between side lot lines of a lot measured at the required front yard setback line.

LOT, ZONING — A parcel of land that is designated by its owner at the time of applying for a building permit as one lot, all of which is to be used, developed, or built upon as a

Ord. No. 2022-99

unit under single ownership. Such lot may consist of: a. single recorded lot; b. a portion of a recorded lot; or c. a combination of complete recorded lots, complete recorded lots and portions of recorded lots, or portions of recorded lots.

§ 44-1614. [Ch. 44, 16-14] Definitions "M."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

MAJOR STREET — A public right-of-way with as high degree of continuity which provides for the through traffic movement around and across the City, as designated in the Official Comprehensive Plan.

MAJOR STREET PLAN — The major street and highway plan for the City of Bloomington, Illinois approved by the City Council as part of the Official Comprehensive Plan.

MANUFACTURED AND MOBILE HOME SALES — An establishment primarily dedicated to the sale of manufactured and mobile homes in an open-air or enclosed environment.

MANUFACTURED HOME — A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. This structure shall meet the requirements of the Federal Manufactured Housing and Construction and Safety Standards Act of 1974, effective June 15, 1976 (24 CFR 3280).

MANUFACTURED HOME LOT — A parcel of land for the placement of one manufactured home which is designated for the exclusive use of the occupant.

MANUFACTURED HOME PARK (MOBILE HOME PARK) — A parcel of land which has been developed for the placement of two or more manufactured homes or mobile homes and is owned by an individual, firm, trust, partnership, public or private association or corporation.

MANUFACTURED HOME/MOBILE HOME STAND (PAD) — That part of a manufactured home lot or mobile home lot which has been reserved for the placement of one manufactured home or mobile home with accessory structures.

MANUFACTURING, PRIMARY — Establishments engaged in the initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly for ultimate use by the consumer.

MANUFACTURING, SECONDARY — Establishments engaged in the manufacture and/or assembly of product parts or components for final use or consumption. This usually involves the secondary processing, fabrication, or assembly of semi-finished products from a primary manufacturing industry.

MARINA — A facility for secure mooring of boats, including facilities for storage and

LUMBER AND WOOD INDUSTRIES - The conversion of logs into wood products through mechanical processes and extraction of residual by-products. Products of lumber and wood industries include but are not limited to lumber, veneer, plywood, particleboard, wood pellets, wood composites, wood chips, sawdust and shavings.

repair of boats and sale of boating supplies and fuel, for use by the owner or resident of the lot, and those other than the owner or resident of the lot, upon which the facility is located.

MARINE CRAFT STORAGE — See "marina."

MASSAGE THERAPY STUDIO — An establishment offering massage therapy and/or body work by a massage therapist, licensed by the City under Chapter 22, Article X, of the Bloomington City Code, 1960, as amended, or under the direct supervision of a licensed physician.

MATERIALS TESTING FACILITY - A facility offering testing and analysis of non-hazardous materials, using methods not consisting of live human or animal testing; testing facilities other than those generally recognized in the health care industry. Ord. No. 2022-99

MEDIA — Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, digital video disks, other magnetic media, and undeveloped pictures.

MEDICAL CENTER - A building or buildings, which may be arranged as a campus, where a range of medical services, support services, and ancillary services, including medial education, hospitals, research and rehabilitation facilities, are provided. Ord. No. 2022-99

MEDICAL LABORATORY FACILITY - A facility offering diagnostic and/or pathological testing of analysis of blood, blood fluids, Pathological specimens, DNA sampling and analysis and any other diagnostic test generally recognized in the health care industry. Ord. No. 2022-99

MEDICAL MARIJUANA DISPENSING ORGANIZATION — An establishment where marijuana is sold for medical purposes to qualified patients or their caregivers, parents or legal gauardian(s) if applicable.

MEDICAL OR DENTAL OFFICE OR CLINIC — A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

MENTAL HEALTH FACILITY — Any licensed private hospital, institution or facility or sections thereof, operated by the State of Illinois or a political subdivision thereof for the treatment of persons who are mentally ill and includes all hospitals, institutions, clinics, evaluation facilities, and mental health centers which provide treatment for such persons.

MILITARY BASE, DEPOT, COMMUNICATION FACILITY — Military facilities of the federal and state governments.

MINI WAREHOUSE — A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses and the storage of household and personal property with no commercial transactions permitted other than the rental of said compartments.

MINIATURE GOLF COURSE — A novelty version of golf played with a putter and a

golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

MINOR STREET — A street of limited continuity. Its primary purpose is to serve abutting properties.

MOBILE FOOD AND BEVERAGE VENDOR — A self-contained food service operation, licensed by the McLean County Health Department and located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service.

MOBILE HOME — A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

MODULAR UNIT — A building constructed on-site in accordance with Chapter 10 of the Bloomington City Code, 1960, as amended, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Ord. No. 2022-99

A Modular Unit is a form of construction and not a use type; the underlying use shall determine the location and appropriateness of such structures.

MONASTERY — See "convent."

MOTEL (MOTOR HOTEL) — See "hotel."

MOTION PICTURE THEATER — An indoor business establishment in which motion pictures, slides or similar photographic reproductions are shown as the principal use of the premises or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such motion pictures, slides or similar photographic reproductions are shown on a regular basis; but excludes therefrom school or public auditoriums used for generally noncommercial purposes on an infrequent basis and excludes therefrom "adult motion-picture theaters" as defined herein.

MOTOR VEHICLE — Any self-propelled vehicle designed primarily for transportation of persons or goods.

MOTOR VEHICLE STORAGE — A parking lot type facility or building for the orderly storage of operable/registered motor vehicles intended to be sold (car dealerships), leased (car rental service), preserved (antique car storage) or stored (RV and boat storage area as incidental use in a subdivision).

MULTIFAMILY CONVERSION — See “DWELLING, CONVERSION”.

Ord. No. 2022-99

MUSEUM — See "cultural institutions."

§ 44-1615. [Ch. 44, 16-15] Definitions "N."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

NATURAL GAS PRODUCTION PLANT - A facility designed for cleaning raw natural gas by isolating several non-methane fluids, hydrocarbons and other impurities to produce pipeline quality natural gas. Ord. No. 2022-99

NAMEPLATE — A non-electric sign identifying only the name and occupation or the profession of the occupant of the premises on which the sign is located. If any premises include more than one occupant, nameplate refers to the names and occupations or professions of all occupants of the premises.

NIGHTCLUB — See "bar."

NON-CONFORMING BUILDING OR STRUCTURE — A nonconforming building or structure is any building or structure or portion thereof lawfully existing at the time of adoption of this Code, or amendment thereto, which does not comply with all the regulations of this Code or any amendment hereto governing bulk for the zoning district in which such building or structure is located.

NON-CONFORMING LOT — A nonconforming lot is a lot of record which when recorded met the minimum lot area and other dimension requirements of the City Code of the City of Bloomington, IL., but which through subsequent amendments to such Code or other acts of a public body has caused the lot of record to be in conflict with the minimum lot area or other dimension requirements of the Code.

NON-CONFORMING USE — A nonconforming use is any use of land, buildings, or structures which use is not permitted in the zoning district in which such use is located, but which use was permitted at the time such use was established.

NOXIOUS MATTER — Any solid, liquid, or gaseous matter including but not limited to gases, vapors, dusts, fumes, and mists containing properties that by chemical means are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well-being of persons or damage to property.

NUISANCE — A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

NURSERY SCHOOL — See "day-care center."

NURSING HOME — A home for the aged, chronically ill, incurable persons, or a place of rest for those suffering bodily disorders in which three or more persons, not members of the immediate family residing on the premises, are received, kept or provided with food and shelter or care, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity or mental illness.

NUCLEAR POWER PLANT - A facility that converts atomic energy into usable power. In a nuclear electric power plant, heat produced by a reactor is generally used to drive a turbine which in turn drives an electric generator. Ord. No. 2022-99

§ 44-1616. [Ch. 44, 16-16] Definitions "O."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

OFFICE CONVERSION — A building originally designed or intended to be used principally as a single-family residence, which has been legally converted into use as a commercial business for any of the following related categories: architecture, engineering, planning, law, interior design, insurance, real estate, or any similar type of profession, excluding financial services and medical or dental offices or clinics.**[Added 2-8-2021 by Ord. No. 2021-5]**

OFFICIAL COMPREHENSIVE PLAN (COMPREHENSIVE PLAN) — The composite of the functional and geographic elements of the Comprehensive Plan of the City of Bloomington, Illinois, or any segment thereof, in the form of plans, maps, charts, textual materials and the Official Map, as adopted by the Council.

OFFICIAL MAP — The map adopted by the Council in order to implement the Official Comprehensive Land in accordance with the Illinois Municipal Code (65 ILCS) showing, among other things, all existing and plan public improvements.

OFFICIAL ZONING MAP — The map adopted by the Council in accordance with the Illinois Municipal Code (65 ILCS) showing all the zoning district boundaries in the City of Bloomington, Illinois.

OPEN SALES LOT — Any land used or occupied for the purpose of buying and selling merchandise, any form of trailers, mobile homes, motorized homes, motor scooters, motorcycles, boats, aircraft and monuments, or for the storing of same prior to sale as accessory uses to a permitted use.

OPEN SPACE, LANDSCAPED — An accessory outdoor area on a lot which shall be devoted to landscaping and shall accommodate no buildings or off-street parking spaces or other areas for motor vehicles. Said landscaping shall be properly maintained and may include evergreen, deciduous, perennial, or annual plant material. Artificial trees, shrubs, grass, or flora shall not be construed as landscaping.

OUTDOOR ADVERTISING BUSINESS — A business establishment that provides outdoor displays or display in open space on a lease or rental basis.

OUTDOOR STORAGE — The keeping of personal or business property or motor vehicles in a required open parking space or in any area outside of a building for a period of time exceeding 24 consecutive hours.

Ord. No. 2022-99: DEFINITION REMOVED

OVERLAY DISTRICT — A zoning district that extends on top of one or more base zoning districts and is intended to protect certain critical features and resources. Where the standards of the overlay and base zoning district are different, the more restrictive

standards shall apply.

OWNER — The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm, limited liability company, or corporation, or a combination of any of them, or the duly authorized agents of any of the above, or other legal entity having sufficient proprietary interest as determined by the Director of Economic and Community Development.**[Amended 10-26-2020 by Ord. No. 2020-69]**

§ 44-1617. [Ch. 44, 16-17] Definitions "P."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

PARK AND RECREATION FACILITY — A park or recreation facility that is publicly owned and operated.

PARKING LOT — An outside area, not on public right-of-way, exclusive of driveways, used for the parking of motor vehicles. Ord. No. 2022-99

For purposes of computing the number of parking spaces in a lot, all areas used for parking under unified control on the same or contiguous parcels of land, shall be considered as one lot.

PARKING LOT, COMMERCIAL — Parking space(s) or parking lot, associated with any business, commercial or industrial use, where such lot is established as the principal use of a lot.

PARKING LOT LANDSCAPING - Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site. Ord. No. 2022-99

PARKING LOT, NONCOMMERCIAL — Parking space(s) or parking lot, associated with residential uses, i.e. multiple-family, dormitories, sororities and fraternities, or other noncommercial uses, such as churches, which are normally permitted or permitted as special uses in residential zoning districts.

PARKING SPACE — An area on a parking lot sufficient in size according to the provisions of this Code to store one passenger motor vehicle, connected to a street or alley by a driveway or driving area and so arranged as to permit ingress and egress of the motor vehicle at all times without maneuvering on a sidewalk and without moving any other motor vehicles parking adjacent to the parking space.

PARTICULATE MATTER — Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid substance.

PARTY WALL - A common wall extending from the ground to the roof, that divides contiguous dwelling units or buildings. Ord. No. 2022-99

PEDESTRIAN WAY - A right-of-way or designated pedestrian path across or within a block designated for pedestrian use.

PENTHOUSE — An enclosed structure above the roof of a building, other than a roof structure or bulkhead, occupying not more than 33 1/3% of the roof area.

PERFORMANCE STANDARD - A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings. Regulations for the control of dangerous or objectional elements. Ord. No. 2022-99

PERSON — Any individual, partnership, corporation, joint stock association or any City, state or any subdivision thereof; and includes any trustee, receiver, assignee or personal representative thereof.

PERSONAL CARE — Any establishment where cosmetology services are provided including hair care, skin care, nail care, on a regular basis for compensation.

PERSONAL WIRELESS SERVICES — Commercial mobile telecommunication services, cellular telephone services, specialized mobile radio services (SMR), unlicensed wireless services, and common carrier wireless exchange access services as now or hereafter defined in Title 47 United States Code, Section 332(c)(7)(C).

PET CARE — A facility providing such services as domesticated animal day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

PERVIOUS SURFACE - An area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.

Ord. No. 2022-99

PHARMACY — An establishment having at least one licensed pharmacist as owner or employee with fills prescriptions on the premise for sale, and additionally sells nonprescription drugs, medicines and medical supplies.

PLACE OF ASSEMBLY — A room or space accommodating five or more individuals for religious, recreational, education, political, social, or amusement purposes, or for the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. This definition shall apply only to this Code.

Ord. No. 2022-99: DEFINITION REMOVED

PLACE OF WORSHIP - A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

PLANNED UNIT DEVELOPMENT — A lot or lots developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses, and is processed under the planned unit development procedure of Chapter 24 of the Bloomington City Code-1960, as amended.

PLAZA — A publicly- or privately-owned square or similar open area intended as a gathering space that is typically paved and includes pedestrian elements such as benches, seating, fountains, landscaping and public art.

POLICE STATION — See "emergency facility."

PORCH, OPEN — An unenclosed horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building; a porch is considered open if covered by a roof and open on the sides that do not abut the building; porches with railings, knee walls and screens shall be considered open porches.

POST-SURGICAL RECOVERY CARE CENTER — A designated site which provides post-surgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an in-patient setting. A post-surgical recovery care center is either a freestanding or a defined unit in an ambulatory surgical treatment center or hospital. A

post-surgical recovery care shall comply with the requirements of 210 ILCS 3/35(2). The recovery period shall not exceed 24 hours after surgery.

POULTRY HATCHERY — A parcel or building where commercial production of poultry for eggs or meat is located.

PRE-SCHOOL — A school or class for young children three to five years of age that develop basic skills and social behavior through developmentally appropriate education.

PREMISES — A lot, plat or parcel of land including the buildings or structures thereon.

PRESERVATION COMMISSION (HISTORIC PRESERVATION COMMISSION) — The Historic Preservation Commission for the City of Bloomington, McLean County, Illinois.

Ord. No. 2022-99

PRIMARY ENTRANCE - The doorway into a building that faces a public street and is of greatest importance relative to other building entrances; the primary entrance is often the doorway facing the street on which the building is addressed.

PRINTING, COPYING, AND MAILING SERVICES — An establishment in which the principal business conducted consists of the retail sale of stationary products, provides printing, duplicating, packaging, and mail services, and provides mailboxes for lease.

PRIVATE SOLAR ENERGY CONVERSION FACILITY — A system that converts solar energy into electricity or heat through the use of photovoltaic panels or film, solar thermal panels, and associated control or conversion electronics; systems are intended to primarily reduce on-site consumption of utility power; any system-generated power is consumed on-site.

PRIVATE WIND ENERGY CONVERSION FACILITY — A wind energy conversion system consisting of a wind turbine(s), a tower or mounting, and associated control or conversion electronics, which has a rated capacity of not more than 100 kw; systems are intended to primarily reduce on-site consumption of utility power; any system-generated power is consumed on-site.

PROPERTY LINES — The lines bounding a lot.

PROTECTED RESIDENTIAL PROPERTY — Any property within the City that meets any of the following conditions:

A. The property is zoned R-1A, R-1B, R-1C, R-1H, R-2, R-3A, R-3B, or R-4; or

B. The property is zoned P-2 and used for residential dwelling units; or

C. The property is zoned A-Agriculture and used for residential dwelling units.

PUBLIC HEARING — A publicly advertised meeting of an official legislative or quasi-judicial body conducting City business during which the public is allowed to give testimony concerning issues under consideration.

PUBLIC LANDS — Lands or tracts, the title to which is held by the Federal Government, the State of Illinois, or any County or municipal subdivision thereof, or by any public or quasi-public body.

§ 44-1618. [Ch. 44, 16-18] Definitions "Q."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

(Reserved)

§ 44-1619. [Ch. 44, 16-19] Definitions "R."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

RADIO BROADCAST — Traditional AM and FM radio broadcasts and shortwave or amateur radio (HAM Radio) transmissions/receptions.

RADIO TOWER — See "wireless communication facility."

RAIL PASSENGER TERMINAL — A building at a rail station where passengers transfer between ground transportation and the facilities that allow them to board and disembark aircraft.

RAILROAD MARSHALLING YARD — An area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a railyard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

RECORDING AND BROADCAST STUDIOS — An establishment containing one or more broadcasting studios for over-the-air, cable, or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.

RECREATION FACILITY, COMMERCIAL — Recreation facilities operated as a business and open to the general public for a fee.

RECREATION FACILITY, PUBLIC — See "park and recreation facility."

RECREATIONAL EQUIPMENT — Camping trailers; motor homes; truck campers; and travel trailers, as defined herein below, and also includes boats and trailers holding boats; snowmobiles; jet skis; all-terrain vehicles (ATV'S): The following are included:

A. CAMPING TRAILER — A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping or travel use.

B. MOTOR HOME — A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

C. TRUCK CAMPER — A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

D. TRAVEL TRAILER — A vehicular unit, mounted on wheels, designed to provide

temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and with a living area of less than 220 square feet, excluding building equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

RECYCLING FACILITY — An establishment for the processing (separation and/or recovery) or collection of recyclable materials from solid wastes. Recycling of oil or other liquids may also occur.

Ord. No. 2022-99

REDEVELOPMENT - Any expansion, addition, renovation, or major change to an existing building, structure or aspect of development.

REFRACTORY LINED PIT BURNER - An incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs. Used for the combustion of unvarnished, unpainted, unlacquered, and/or unstained clean wood.

Ord. No. 2022-99

REFUSE — The entire scope of several categories of natural and man-made waste including garbage and debris.

REFUSE DISPOSAL SERVICES - Collection and transport services of refuse, whether from households or from industrial and commercial establishments.

Ord. No. 2022-99

REMOVAL — Any relocation of a structure on its site or to another site.

REPAIR — Any change that is not construction, removal, or alteration. This would include simple and minor mending to bring an element of a structure back to its original condition. It assumes that minimal expense and effort need be incurred to complete the repair.

REQUIRED PARKING - Parking space(s) or parking lot which is a required accessory use to a principal use of a lot. Required parking shall be on the same lot as the principal use to which it is an accessory use.

Ord. No. 2022-99

RESEARCH FACILITY OR LABORATORY — A building, or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESTAURANT (CAFETERIA) — A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50% of the gross sales receipts for food and beverages.

Ord. No. 2022-99

RESTAURANT, CARRY-OUT — A restaurant containing seating for fewer than 10 patrons.

RESTAURANT, OUTDOOR CUSTOMER DINING AREA — An accessory area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The area of such seating shall be included in determining the area of the restaurant.

RETAIL SALES, GENERAL - Uses that provide for the general sale of merchandise directly to customers. Such uses sell consumer items including but not limited to appliances, books, clothing and shoes, electronics, farm supplies, flowers, furniture, garden supplies, greeting cards, hobby supplies home décor, hardware and home improvement goods, linens, media, monuments, records, outdoor supplies and recreation equipment, sporting goods, and toys.

Ord. No. 2022-99

RETAIL SALES, OUTDOOR — An open-air establishment engaged in selling commodities or goods to ultimate customers or consumers.

RETAINING WALL — A wall or similar device used at a grade change to hold the soil on the up-hill side of the wall from slumping, sliding, or falling, and includes but is not limited to, segmental walls, masonry walls, poured-in-place concrete walls, boulder walls, stacked railroad ties, and pre-split rock walls.

RIDING STABLE (RIDING SCHOOL) - The lot, grounds and building where horses are bred, raised, boarded, or kept for remuneration, hire or sale. Ord. No. 2022-99

RIGHT-OF-WAY — The area on, below, or above a public roadway, highway, street, public sidewalk, alley, parkway, or utility easement **legally** dedicated for compatible use. Ord. No. 2022-99

ROADSIDE MARKET — A structure for the display and sale of agricultural products, including value added agricultural products, grown on the site, with no space for customers within the structure itself.

ROOFLINE - For a pitched roof, the roof line is the lower edge of the eave; for a flat roof, the roof line is the uppermost line of the roof of a building; and for an extended façade or parapet, the roof line is uppermost height of said façade or parapet. Ord. No. 2022-99

Ord. No. 2022-99: DEFINITION REMOVED

ROOM — An unsubdivided portion of the interior of a dwelling unit excluding bathrooms, closets, hallways, and service porches.

ROOMING UNIT — Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

ROW HOUSE — (See "townhouse.")

RUBBISH — Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from burning of wood, coal, coke, and other combustible materials, paper, rags, bedding, cartons, boxes, packing materials, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

RUBBER AND PLASTIC INDUSTRIES - Establishments that manufacture products from plastic resins, natural and synthetic rubber, reclaimed rubber, gutta percha and balata. Ord. No. 2022-99

§ 44-1620. [Ch. 44, 16-20] Definitions "S."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

SADOMASOCHISTIC PRACTICES — Flagellation or torture by or upon a person clothed or naked for the purpose of sexual arousal, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked for the purpose of sexual arousal.

SALES, GARAGE — The sale of goods at the seller's residence by a person not a retailer for a limited period of time. "Garage Sale" also includes group sales or yard sales and sales to dispose of the assets of an estate.

SALES, TEMPORARY — The disposition of goods or services, except in a completely enclosed building, that by its nature is temporary and except when involving the use of vacant land, could be determined as incidental or accessory to an existing principal use.

"Temporary sales" include garage sales, sales to dispose of the assets of an estate, and Farmer's Markets. Ord. No. 2022-99

SANITARY LAND FILL — An engineered land burial facility for the disposal of solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

SATELLITE DISH ANTENNA — A telecommunication antenna shaped like a bowl or dish and used to receive wireless transmission of radio, data, or video signals from a satellite orbiting the earth.

SCHOOLS, PUBLIC AND PRIVATE — A public or private institution serving students between kindergarten and high school levels.

SCREEN or SCREENING — A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, gates, parapets, penthouse enclosures, features of a building, or plantings of sufficient height, length, and opacity to form a visual barrier.

SCREEN PLANTING — A dense compact of evergreen type trees or shrubbery which shall mature to the required height and shall be maintained in good condition thereafter.

SECONDARY MANUFACTURING ASSEMBLY PLANT — See "manufacturing, secondary."

SENIOR HOUSING - Multi unit developments designed and legally restricted to limiting occupancies to at least one individual who is age 55 or older, and where at least 80% of the units contain at least one individual who is age 55 or older. Senior Housing developments may include single-family homes, duplexes, mobile homes, townhouses, or condominiums; may provide supportive services such as meals, housekeeping, social activities, and transportation; and may also be used to describe housing with few or no services such a Senior Apartments. Ord. No. 2022-99

Ord. No. 2022-99: DEFINITION REMOVED

SETBACK — Setback is the horizontal distance between the lot line and any building or structure located on such lot.

Proposed Change

Terminology consistency

SEXUALLY ORIENTED SHOPS

~~SEX SHOP~~ — An establishment offering goods for sale or rent and that meets any of the following tests:

A. The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie in a lingerie modeling studio, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10% its stock-in-trade or occupies more 10% of its floor area.

B. More than 10% of its stock-in-trade consists of sexually oriented toys or novelties.

C. More than 10% of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

SEXUALLY ORIENTED ENTERTAINMENT BUSINESS — An inclusive term used to describe collectively: adult cabaret; adult modeling studio; adult motion-picture theater; video arcade located within an adult media store; adult lingerie modeling studio; and/or sex shop.

SEXUALLY ORIENTED TOYS OR NOVELTIES — Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Ord. No. 2022-99: DEFINITION REMOVED

SHOPPING CENTERS — A unified group of commercial establishments including office, retail, service, small and carry-out restaurants, or similar permitted uses, sharing a common building or buildings, off-street plaza, site access, signage and/or parking area to which such commercial establishments are oriented on a site of not less than three acres.

SIDEWALK — That portion of a public right-of-way or pedestrian way improved and designated for pedestrian use and other approved users as defined by Bloomington City Code, 1960, as amended.

SIGN — See Chapter 3 of the Bloomington City Code, 1960, as amended.

SOLID WASTE DISPOSAL AREA - A facility for the purpose of treating, burning, compacting, composting, storing, or disposing of solid waste. For the purpose of this definition, "disposal" means the placement of material at a location with the intent to leave it at such location indefinitely, or to fail to remove material from a location within forty-five (45) days.

Ord. No. 2022-99

SPECIAL USE — A specific use of land or buildings or both described and permitted herein subject to special provisions and which because of its unique characteristics cannot be properly classified as a permitted use.

SPECIALTY FOOD SHOP - A retail or limited service establishment for the sale of foods or beverages of a single type or line of product. Specialty foods may be consumed on-site or provided as carryout or packaged goods, and typically do not independently or collectively constitute a meal. Specialty food shops include, but are not limited to, coffee shops, candy stores, bakeries, ice cream shops, spice shops and tea shops.

Ord. No. 2022-99

items.

SPECIFIED ANATOMICAL AREAS —

A. Less than completely and opaquely covered: human genitals, human pubic region, human buttocks, and human female breast below a point immediately above the top of areola; and/or

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of nude human genitals, pubic region, buttocks, or female breast or other specified anatomical areas.

SPORTS AND FITNESS ESTABLISHMENT — A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

STACKING — An area dedicated to the temporary storage or "queuing" of vehicles obtaining a service or other activities.

STORY — That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STORY, ABOVE GRADE — Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

A. More than six feet (1,829 mm) above grade plane;

B. More than six feet (1,829 mm) above the finished ground level for more than 50% of the total building perimeter; or

C. More than 12 feet (3,658 mm) above the finished ground level at any point.

STORY, HALF — A space under a sloping roof which has the line of intersection of roof decking and wall not more than three feet above the top floor level and in which space not more than 60% of the floor area is completed for principal or accessory use.

STREET LINE — The right-of-way line of a street.

STREET, PRIVATE — A privately owned lane, road or street which affords the principal means of access to adjacent property.

STREET, PUBLIC — A dedicated and accepted public right-of-way or other public way used and maintained by the City which, in either case, affords the principal means of access to adjacent lots or property.

STRUCTURAL ALTERATIONS — Any change other than incidental repairs, which would prolong the life of the supporting members of a building or structure such as the

addition, removal, or alteration of bearing walls or partitions, columns, beams, girders or foundations or any substantial change in the roof or exterior walls.

STRUCTURE — Anything that is built or constructed, including but not limited to, any useable, permanent, in place device or appliance within the lot making a projection of six inches or more above grade and having a base area greater than 12 square feet. This does not, however, exclude such underground or surface structures such as tunnels, future foundations, or swimming pools in whole or in part below grade.

STUDENT RESIDENCE HALL — See "dormitory."

SWIMMING CLUB - A membership-based facility typically inclusive of a pool, clubhouse, and locker area where members may engage in recreational or competitive swimming. Ord. No. 2022-99

SWIMMING POOL, COMMUNITY — Any structure that is open to the public and is intended for recreational bathing.

§ 44-1621. [Ch. 44, 16-21] Definitions "T."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

TAVERN — See "bar."

TELECOMMUNICATION ANTENNA — A device affixed to the ground, a building or other structure which device is used for the wireless transmission or reception of radio waves. Telecommunication antenna includes but is not limited to devices capable of transmitting or receiving radio waves supporting the following types of communication:

A. Television broadcast, multi-channel multi-point distribution (wireless cable), direct broadcast satellites (DBS).

B. Radio broadcast (including AM, FM, shortwave and amateur radio antennas).

C. Wireless telecommunication, personal communication services, personal wireless services, commercial mobile services, cellular telephone services, specialized mobile radio services (SMR), unlicensed wireless services and common carrier wireless exchange access services.

TELECOMMUNICATION ANTENNA FACILITIES — The mast, pole, lattice work, structure, tower, building, equipment and other supporting material used to mount and operate a telecommunication antenna and the telecommunication antenna itself.

TELEVISION STATION TOWER — See "wireless communication facility."

TEMPORARY STRUCTURE OR USE - A structure or use of limited duration, including special events, that comply with the standards set forth in this chapter and are discontinued upon the expiration of a set time period; temporary structures, uses and special events shall not involve the construction or alteration of any permanent building or structure. Ord. No. 2022-99

TERMINAL — A facility for the transfer, pick up or discharge of people and/or goods without the long-term storage of the same.

TEMPORARY BUILDING - A building, structure, or use permitted to exist during construction of the main structure or use or during special events. Ord. No. 2022-99

TERRACE - An uncovered, outdoor open area which can be near a landscape or building, or on a flat roof. Ord. No. 2022-99

THEATER — A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received.

THOROUGHFARE — A street with a high degree of continuity and serving as an arterial traffic way between the various districts of the City and its environs.

TOURIST CAMP — A commercial recreational facility designed, used, or intended to

TEXTILE MILL PRODUCTS INDUSTRIES - Establishments engaged in performing any of the following operations: (1) preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage; (2) manufacturing broadwoven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; (3) dyeing and finishing fiber, yarn, fabrics, and knit apparel; (4) coating, waterproofing, or otherwise treating fabrics; (5) the integrated manufacture of knit apparel and other finished articles from yarn; and (6) the manufacture of felt goods, lace goods, non-woven fabrics, and miscellaneous textiles. Ord. No. 2022-99

TOURIST CAMP - A commercial recreational facility designed, used, or intended to be used to accommodate the overnight temporary location, hookup or use of its facilities for travel trailers, camp trailers, and other major recreational equipment.

TOWER - Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site." Examples include, but are not limited to, monopoles, mono-trees and lattice towers. Ord. No. 2022-99

TOWING SERVICE — A service for the relocation of a disabled, unsafe, or illegally parked motor vehicle to a place of repair or an approved facility for proper disposal.

TOWNHOUSE - See "Dwelling, Single-Family Attached." Ord. No. 2022-99

TRADE AND CONSTRUCTION SERVICES - Services related to the construction, rehabilitation and maintenance of buildings and building fixtures, typically relating to a building trade or specialty. Trade and construction services include but are not limited to building construction, cabinet making, woodworking, furniture repair and finishing, carpentry, electrical and wiring, equipment rental and leasing, home maintenance, painting and decorating, and plumbing and heating. Ord. No. 2022-99

TRAILER — Any vehicle or portable structure designed and constructed in a manner that will permit occupancy thereof, as sleeping quarters, for one or more persons (or for use as an accessory building or structure in the conduct of a business, trade, or occupation) and which is so designed and constructed that it is, or may be, mounted on wheels and used as a conveyance on City streets and highways, and which is propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

TRANSPARENCY - The ability to see through with clarity; an opening in the building wall allowing light and views between interior and exterior; only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent; glass visible light transmittance (vlt) shall be not less than seventy (70) percent; measured as glass area for buildings and as open area for parking structures. Ord. No. 2022-99

TREE - A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage. Ord. No. 2022-99

A. CANOPY

A deciduous tree that has a height of twenty five (25) feet or more, with branch structures that provide foliage primarily on the upper half of the tree and provide shade beneath the tree.

B. DECIDUOUS

A tree that sheds its foliage at the end of the growing season.

C. EVERGREEN

A tree that has foliage that persists and remains green throughout the year.

D. ORNAMENTAL

A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty five (25) feet or less; such tree is sometimes known as an understory tree.

TRELLIS - An outdoor garden frame used to partition an area and/or as a support for vines or other climbing plants. Ord. No. 2022-99

TRUCK PLAZA — See "truck stop."

TRUCK STOP — A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.

TRUCK WASH — A facility which provides manual or automated washing services to trucks.

§ 44-1622. [Ch. 44, 16-22] Definitions "U."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

UNIFIED CONTROL — The combination of two or more tracts of land wherein each owner has agreed by written agreement to allow the use and development of their tracts as a single lot under the provisions of Chapter 24 of the Bloomington City Code, 1990, as amended, for Planned Unit Developments.

UNLICENSED WIRELESS TELECOMMUNICATION SERVICE — The offering of telecommunication services using duly authorized devices which do not require individual license by Federal Communications Commission but does not mean the provision of direct-to-home satellite services.

URBAN AGRICULTURE — A zoning lot, as defined in this article, one acre or greater, used to grow and harvest food crops and/or non-food crops for personal or group use; an orchard or tree farm that is a principal use is considered an urban agriculture; an urban agriculture may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively; the products of an urban agriculture may or may not be for commercial purposes.

URBAN GARDEN — A lot under one acre, used to grow and harvest food or non-food crops for personal or group use; the products of an urban garden may or may not be for commercial purposes; an urban garden larger than one acre is considered urban agriculture.

USE — The purpose or activity for which the land, building or structure thereon is designed, arranged, or intended or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this Code.**[Ord. No. 2006-137]**

USE, PERMITTED — A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district.

USE, PRINCIPAL — A primary use of land or structures as distinguished from a subordinate or accessory use. A principal use may be either permitted or special.

UTILITY — A use category for public and private services providing essential services such as water, electric power, and heating systems, and wireless communication facilities.

A. Electrical substation, communications switch facilities, central heating, and cooling plant; must be enclosed by a solid wall, subject to design review approval.

B. Essential services.

C. Wireless communication facilities collocated.

D. Wireless communication facilities, freestanding/tower.

Ord. No. 2022-99

UTILITY FACILITY, MINOR - A building or structure owned or operated by a public, private or cooperative electric, fuel, communication, sewer or water company for the transmission, distribution or processing of utility services not otherwise defined in this Zoning Ordinance. Minor utility facilities include electricity regulating substations, irrigation channels, sewage lift stations, telephone exchange substations, utility lines, conduits and pipelines, water pressure control stations, and water storage reservoirs.

§ 44-1623. [Ch. 44, 16-23] Definitions "V."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

VARIATION — A relaxation of the terms of this Code where such variation will not be contrary to the public interest and where a literal enforcement of the Code would result in unnecessary and undue hardship.

VEHICLE — Every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE FUELING STATION — See "automobile service station."

VEHICLE RENTAL SERVICE — An area dedicated to the rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.

VEHICLE REPAIR AND SERVICE — A building, accessory building, or an accessory portion of the principal building on the premises which is intended for or being used for repair and servicing of motor vehicles or other motor-driven means of transportation, including general repair, engine rebuilding, reconditioning, and autobody services (e.g., collision service or refinishing).**[Amended 10-25-2021 by Ord. No. 2021-78]**

VEHICLE SALES AND SERVICE — The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor

ORD. NO. 2022-99 RESTRUCTURED THE VEHICLE SECTION BUT DID NOT CHANGE ANY CONTENT

vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.

VEHICLE SALVAGE AND WRECKING OPERATIONS — See "junkyard (salvage yard)."

VEHICLE STORAGE — A structure or part thereof used for the storage, parking, or servicing of motor vehicles but not for the repair thereof.

VETERINARY HOSPITAL — See "animal hospital."

VETERINARY OFFICE OR CLINIC — See "animal hospital."

VIDEO-VIEWING BOOTH (ARCADE BOOTH) — Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

VISIBILITY TRIANGLE — The triangular area formed by a diagonal line connecting two points located on intersecting street curblines (edge of pavement lines) or a right-of-way line and the curb or edge of the driveway.

§ 44-1624. [Ch. 44, 16-24] Definitions "W."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

WAREHOUSE - A warehouse is a building, structure, or part thereof, used principally for the storage, wholesale, and distribution of manufactured products, supplies, and equipment, characterized by frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production. Ord. No. 2022-99

WASTE — Includes but is not limited to tin cans, combustible rubbish of any type (paper, boxes, wood, lumber, scraps and furniture), noncombustible rubbish (metals, glass, mineral waste), solid waste resulting from building construction or demolition, waste food, offal, swill, carrion, residual or waste animal or vegetable materials resulting from handling, storage or cooking.

WASTE TRANSFER STATION — A place or facility where nonhazardous solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility.

WELFARE AGENCY — An institution, public or private not-for-profit facility, that provides care and/or services concerning the welfare and improvement for persons of all ages.

WHOLESALE, DISTRIBUTION, AND STORAGE FACILITY — The display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing, and storage activities.

WIRELESS COMMUNICATION FACILITY — All structures and equipment involved in transmitting and receiving telecommunications signals from mobile communication sources, such as private and commercial mobile radio service facilities, personal communication services towers (pcs), and cellular telephone towers; not included are AM/FM radio antennas, television antennas, satellite dishes, and licensed amateur radio facilities.

A. ANTENNA — Any outdoor apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

B. CO-LOCATION — A communications facility that is used by more than one wireless communications provider.

C. FACILITY AS ESSENTIAL SERVICE — A communications facility that is used for the primary purpose of providing local public safety communication services that directly transmit information for fire protection, police protection, and basic or advanced life support to the City of Flint police and fire departments, as defined in a written contractual agreement approved by the City Council and uniquely connected to the police department data center.

D. HEIGHT — When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

E. LATTICE TOWER — A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

F. MONOPOLE — A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

G. STEALTH DESIGN — Camouflaging telecommunication facilities to minimize their visibility and blend them in with their surroundings.

H. TELECOMMUNICATION — The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

I. TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers; the term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

J. WIRELESS COMMUNICATIONS EQUIPMENT SHELTER — The structure in which the electronic receiving and relay equipment for a wireless communications facility is housed.

WRITING — The term shall be construed to include handwriting, typewriting, printing, photo offset or any other form of reproduction in legible symbols or characters.

WRITTEN NOTICE — A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or first class mail to the last residential or business address of legal record.

§ 44-1625. [Ch. 44, 16-25] Definitions "X."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

(Reserved)

§ 44-1626. [Ch. 44, 16-26] Definitions "Y."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

YARD — An open space, on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in the Permitted Encroachments section (§ 44-904) of this Code. Ord. No. 2022-99

A. FRONT

A yard between the front lot line and a principal structure. A front yard shall be established along with frontages of a corner lot as required by the Bulk and Site Standards for each Zoning District in this Code.

B. REAR

A yard across the rear of the lot between the rear lot line and a principal structure and extending from one side lot line to the other.

C. SIDE

A yard extending from the required front yard to the required rear yard or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street.

§ 44-1627. [Ch. 44, 16-27] Definitions "Z."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

ZONING ADMINISTRATOR — The Director of Economic and Community Development for the City of Bloomington, Illinois, or such other person as designated by the Director.**[Amended 10-26-2020 by Ord. No. 2020-69]**

ZONING BOARD OF APPEALS (BOARD OF ZONING APPEALS) — The Zoning Board of Appeals for the City of Bloomington, Illinois.**[Ord. No. 2006-137]**

ZONING DISTRICT — A section or sections of incorporated territory of the City for which the regulations and requirements governing use, lot and bulk or buildings and premises are uniform.

ZOO - An institution where living wild animals, including mammals, birds, fishes, reptiles, amphibians and invertebrates are kept for study, conservation, and display to the general public. Also known as a zoological garden or zoological park. Ord. No. 2022-99

ARTICLE XVII
Administrative Procedures and Enforcement

§ 44-1701. [Ch. 44, 17-1] Purpose and intent.

The purpose and intent of this article is described below.

A. Provide a clear and comprehensible development review process that is fair and equitable to all interests including applicants, effected neighbors, and the City;

B. Establish an orderly review process for all proposed projects involving construction of a building or other structure, any site improvements or alterations or a modification in the use of land within the City that is consistent with this chapter;

C. Ensure that land, parcels, and lots are appropriately developed so that their use and operation comply with all applicable requirements of this chapter;

D. Ensure that development complies with the Comprehensive Plan and allow for processes and procedures that support creative and innovative proposals to enhancing the benefits of development to the Bloomington community.

§ 44-1702. [Ch. 44, 17-2] Decision-making bodies (Board of Zoning Appeals, Historic Preservation Committee, Planning Commission).

A. General.

(1) Terms. A person appointed to the Zoning Board of Appeals , Historic Preservation Commission or Planning Commission shall serve a term of three years. This term may be extended after the three years for no more than two additional three-year terms. Members of the Board shall serve no more than three consecutive three-year terms (a total of nine years). Vacancies shall be filled for the unexpired term only. Members may be recalled for cause as provided by Chapter 2, § 2-350, of the Bloomington City Code, 1960 as amended. Ord. No. 2022-99

(2) Officers.

(a) Officers of the Zoning Board of Appeals , Historic Preservation Commission and Planning Commission shall consist of a chairperson and a vice-chairperson elected by the Board or commission, who shall each serve a term of one year and shall be eligible for reelection; but no member shall serve as chairperson for more than two consecutive years. Ord. No. 2022-99

(b) The chairperson shall preside over meetings. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson.

(c) If both the chairperson and vice-chairperson are absent, a temporary chairperson shall be elected by those present.

(3) Meetings.

Proposed Change

(a) A quorum shall consist of a majority of the members **currently serving**. All decisions or actions of the Board or commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

(b) Meetings shall be held at regularly scheduled times established herein or at any time upon the call of the chairperson.

(c) No member of the Board or commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

(d) The chairperson, and in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

(e) All meetings shall be conducted in accordance with the Open meetings Act, 5 Illinois Compiled Statutes 120/1, et seq.

B. Board of Zoning Appeals.

(1) Creation. The Zoning Board of Appeals of the City of Bloomington, Illinois, which has been duly created by the City Council, is the Board of Zoning Appeals referred to in this Code.

Ord. No. 2022-99

(2) Composition. The Zoning Board of Appeals shall consist of seven members who are residents of the City of Bloomington, Illinois, and all of whom shall be appointed by the Mayor and approved by the City Council.

Ord. No. 2022-99

(3) Powers and duties.

Proposed Change

(a) To conduct ~~administrative~~ public hearings, make findings of fact, and recommend approval or disapproval to the City Council of applications for special uses (§ 44-1707);

(b) To conduct ~~administrative~~ public hearings, make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision, or determination made by the Director of Economic and Community Development or his or her deputies or assistants in the enforcement of this Zoning Code; **[Amended 10-26-2020 by Ord. No. 2020-69]**

(c) To conduct ~~administrative~~ public hearings, make findings of fact and grant or deny variations in the manner provided herein;

(d) To hear appeals of decisions made pursuant to the Sign Code relating to the denial of permits, the removal of illegal signs or the granting of variances, except when said appeal is related to construction specifications of signs, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code; and

(e) To give advice to the Sign Code Administrator when requested.

(f) To establish or amend its procedural rules as necessary to facilitate the performance of its duties;

(g) To recommend to the City Council amendments to this Zoning Ordinance;

(4) Meetings. Meetings shall be held on the third Wednesday of each month at 4:00 p.m. or at any time upon the call of the chairperson at such times and place as the Board may determine.

C. Historic Preservation Commission.

(1) Composition. The Bloomington Historic Preservation Commission ("Preservation Commission") shall consist of seven members, all of whom shall be appointed by the Mayor and approved by the City Council. Members shall be residents of the City or owners of taxable real estate located within the corporate limits of the City and whose place of residence is located not more than five miles from said corporate limits. The Mayor shall make every reasonable effort to try to appoint persons with a demonstrated interest in the history or architecture of the City, and at least one member of the Preservation Commission should, if possible, be an Illinois registered architect, one an attorney and one a person experienced in real estate.

(2) Powers and duties. The Preservation Commission shall have the following powers and duties:

(a) To adopt its own procedural regulations;

(b) To conduct surveys to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the United States of America, the State of Illinois, or the City of Bloomington;

(c) To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural values as "landmarks";

(d) To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating areas as having special historic, community or architectural value as "historic districts";

(e) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;

(f) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;

(g) To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;

(h) To nominate landmarks and historic districts to the National Register of Historic Places, and to review and comment on any National Register Nominations submitted to the Preservation Commission upon request of the Mayor or City Council;

(i) To inform and educate the citizens of the City concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;

(j) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions;

(k) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness would otherwise be denied;

(l) To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;

(m) To review proposed zoning amendments, applications for special use permits, or applications for zoning variations that affect proposed or designated landmarks and historic districts. The Director of Economic and Community Development shall send applications for special use or zoning variations to the Preservation Commission for comment prior to the date of the hearing by the Planning Commission or Board of Zoning Appeals; **[Amended 10-26-2020 by Ord. No. 2020-69]**

(n) To administer through the City Parks and Recreation Department any property or full or partial interest in real property, including easements, that the City may have or accept as a gift or otherwise, upon authorization and approval by the City Council;

(o) To accept and administer through the Office of the Director of Finance on behalf of the City such gifts, grants, and money as may be appropriate. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission;

(p) To call upon available City staff members as well as other experts for technical advice;

(q) To retain such specialists or consultants with the permission of the City Council or to appoint such citizen advisory committees as may be required from time to time;

(r) To testify before all boards and commissions, including the Planning Commission and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, structures, and areas;

(s) To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques, or markers;

(t) To develop a preservation component in the official Comprehensive Plan and to recommend it to the Planning Commission and to the City Council;

(u) To periodically review the Bloomington Zoning Code and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts; and

(v) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this Code.

(3) Surveys and research. The Preservation Commission may undertake survey and research efforts in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of a survey, the Preservation Commission may review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. Before the Preservation Commission may on its own initiative nominate any landmark for designation, it shall first develop a plan and schedule for landmarks and adopt procedures to nominate them in groups based upon the following criteria:

(a) The potential landmarks in one identifiable neighborhood or distinct geographical area of the City;

(b) The potential landmarks associated with a particular person, event, or historical period;

(c) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;

(d) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of potential landmarks within the City.

(4) Meetings.

(a) Meetings shall be held on the third Thursday of each month at 5:00 p.m.

or at any time upon the call of the chairperson at such times and place as the Commission may determine.

(b) No action shall be taken by the Preservation Commission that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the Preservation Commission, as provided herein.

D. Planning Commission.

(1) Creation. The Planning Commission of the City of Bloomington, Illinois, which has been duly created by the City Council is the Planning Commission referred to in this Code.

(2) Composition. The Planning Commission shall consist of 10 members who are residents of the City of Bloomington, Illinois, and all of whom shall be appointed by the Mayor and approved by the City Council.

(3) Powers and duties.

Proposed Change

(a) To conduct ~~legislative~~ public hearings and submit reports and recommendations to the City Council on applications or proposals to amend the boundaries of the zoning districts created by this Code;

(b) To conduct public hearings and submit reports and recommendations to the City Council on proposed amendments to the regulations imposed by this Code, that is, zoning text amendments;

(c) To conduct public hearings and recommend approval or disapproval of preliminary plans for subdivisions and, if directed by the City Council, to report on final subdivision plats in the manner provided in Chapter 24 of the Bloomington City Code, 1960, as heretofore or hereafter amended;

(d) To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned unit developments and, if directed by the City Council, to report on final development plans in the manner provided in Article XV of this Zoning Ordinance and Chapter 24 of the Bloomington City Code, 1960, as heretofore or hereafter amended;

(e) When required by this Code or the City Council to conduct public hearings and recommend approval or disapproval of site plans as required by provisions of this Code;

(f) To recommend to the City Council amendments to this Zoning Code and Chapter 24 of the Bloomington City Code, 1960, as amended;

(g) To carry out and perform such additional duties as are assigned to them by the City Council.

(4) Meetings. Meetings shall be held on the first Wednesday of each month at 4:00

p.m. or at any time upon the call of the chairperson at such times and place as the Commission may determine. **[Amended 12-6-2021 by Ord. No. 2021-89]**

§ 44-1703. [Ch. 44, 17-3] General application requirements.

A. Forms. Applications for the procedures established under this section shall be submitted on application forms and in such numbers as required by the applicable review official or review body. The application form for each development review procedure shall establish the minimum information required for that procedure.

B. Proof of ownership or sufficient proprietary interest. All applications required under this section shall include proof of ownership satisfactory to the applicable review official or decision-making body. Such proof may include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property.

(1) Where the owner is not the applicant, the applicable review official shall require an applicant to present evidence that the applicant is a duly authorized agent of the owner or has sufficient proprietary interest, such as a contract to purchase.

C. Property owner endorsement. All applications shall include the name and signature of the current property owner(s) of all property within the boundaries; or

D. Filing fees.

(1) All applications shall be accompanied by the associated filing fee as set forth in Chapter 1, § 1-125, "Schedule of Fees" and shall be filed with the Economic and Community Development Department. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) Each application shall be accompanied by payment to cover the cost of publication, posting, and hearings. Each application shall also be accompanied by a payment to cover the cost of publishing any public notices and recording any required documents.

Ord. No. 2022-99

Proposed Change

(3) Filing fees are not refundable except where an application was accepted in error or the fee paid exceeded the amount due. Fees may be refunded or partially refunded, where applications are withdrawn prior to publication of any notices. Under no condition shall said sum or any part thereof be refunded for failure of said application to be approved. No fee shall be required from any governmental or public agency.

§ 44-1704. [Ch. 44, 17-4] Application processing.

A. Completeness review. An application shall not be considered by any decision-making body unless such application is complete, as described herein.

(1) A determination of application completeness shall be made by the review

official within seven days of application filing.

(2) An application is considered complete only if it is provided in the required form, includes all mandatory information as may be required by the review official, and is accompanied by the applicable fee.

(3) If an application is determined to be incomplete, the review official shall contact the applicant in writing to explain the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected.

(4) If the deficiencies of an incomplete application are not corrected by the applicant within 30 days, the application shall be considered withdrawn and returned to the applicant.

(5) All applications must be deemed complete at least 21 days prior to a meeting or public hearing, unless otherwise allowed by the review official.

B. Referrals. The review official may forward complete applications submitted under this article to such other public officials and agencies as required by law or as deemed appropriate for further review.

C. Staff reports. The Director of Economic and Community Development shall submit a written report containing a summary of the land use application, its compliance with the Zoning Ordinance, Comprehensive Plan, and/or any other relevant official document, and recommendations on the basis thereof, at least seven days prior to the meeting or hearing of the review- and/or decision-making body before which the application is to be heard. **[Amended 10-26-2020 by Ord. No. 2020-69]**

D. Concurrent applications.

(1) If approved by the Director of Economic and Community Development, applications for development approvals may be filed and reviewed concurrently; provided, however: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(a) Any application that also requires a legislative decision shall not be eligible for final approval until the legislative decision has been approved; and

(b) No site plan or special use shall be approved before any necessary rezoning is approved.

(2) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

E. Successive applications. A successive application for an application that has been denied shall not be reviewed or heard within one year after the date of denial, except if the Director of Economic and Community Development determines that

substantial new information has become known since the denial. A successive application filed within one year of the date of denial shall include detailed information that justifies its consideration. **[Amended 10-26-2020 by Ord. No. 2020-69]**

§ 44-1705. [Ch. 44, 17-5] Notice and public hearings.

A. Required legal notice. After an application has been certified complete as required by § 44-1704, the applicable review or decision-making body shall fix a reasonable time for the required hearing of the application or appeal. Notice of the time and place of a ~~legislative or administrative~~ hearing shall be given in accordance with the laws of the State of Illinois. **[Amended 8-24-2020 by Ord. No. 2020-55]**

Proposed Change

(1) The Zoning Administrator or designee shall publish notice of the hearing in a newspaper of general circulation in the City of Bloomington at least 15 days, but no more than 30 days before the date of the public hearing.

(2) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall include all of the following:

(a) The name and address of the applicant and property owner;

(b) The common address or location of the subject property;

(c) A description of the nature and purpose of the requested action;

(d) The location, date and time of the public hearing or meeting; and

(e) The office address and telephone number of the City office where information concerning the application may be obtained.

B. Courtesy notice. In addition to any required legal notice as provided herein, courtesy notice may be given at the direction of the Director of Economic and Community Development. **[Amended 8-24-2020 by Ord. No. 2020-55; 10-26-2020 by Ord. No. 2020-69]**

(1) Notice shall also be sent by mail or personal delivery to the property owner as shown on the records of the Local Tax Assessor's Office of record of all parcels, lying in whole or in part within 500 feet, inclusive of public right-of-way, of the property lines of the property for which the action is requested before the date of the public hearing.

(2) By posting the property affected with a sign indicating that zoning action affecting the property is pending and that additional information may be obtained from the Director of Economic and Community Development. Distribution of courtesy notice shall not constitute a precedent for future notice on the subject application or on any future application.

Proposed Change

C. ~~Administrative p~~Public hearing procedures.

(1) Parties. The applicant, the City and persons filing a written entry of appearance may all be parties to a~~n administrative~~ public hearing;

Proposed Change

(2) Testimony. Any person may appear and testify at a~~n administrative~~ public hearing, either in person or by a duly authorized agent or attorney;

Proposed Change

(3) Oaths or affirmation. The chairperson or in his or her absence, the acting chairperson, may administer oaths or affirmations;

(4) Compelling the attendance of witnesses. The chairperson or in his or her absence, the acting chairperson, may compel the attendance of witnesses by mailing to such persons a notice compelling attendance, not less than five calendar days before the public hearing. Failure of a person to appear in response to such a notice shall constitute a violation of this Code.

(5) Hearing procedures. All public hearings shall be conducted in a manner that provides for both substantive and procedural due process. In order that the Board or commission may efficiently transact the business before it and provide an opportunity for all interested parties to be heard, the following rules and procedures shall be followed:

Proposed Change

(a) The chairperson shall provide a short description of the application, the relief requested, and the procedures governing the public hearing;

(b) The secretary or City Staff shall report whether notice of the public hearing was given as required by this Code;

Proposed Change

(c) City staff shall summarize basic facts and relief requested in the application, and may provide a recommendation to the Board or commission;

(d) The chairperson shall invite persons at the public hearing to speak in favor of the application;

(e) The chairperson shall invite persons at the public hearing to speak against the application;

(f) The chairperson shall open the floor for cross-examination by those interested parties who request the right to cross-examination. Questions must be relevant, as determined by the chairperson, to the application before the Board or commission;

(g) The chairperson shall allow the applicant reasonable time to respond, to the public testimony, evidence, and comments presented;

(h) The chairperson shall close the public hearing and allow time for members of the Board or commission to discuss the application. The Board or commission shall make findings, applying the standards and factors set forth in this Code;

(i) At the end of such discussion the chairperson shall invite a motion of approval. After the motion of approval is seconded, those members who are in favor of approving the application shall vote "Yes," those in favor

of denying the application shall vote "No," and those wishing to abstain from voting on the application shall vote "Present." Board members shall cast their votes on roll call by the Secretary or City Staff;

(j) The chairperson shall then review the decision of the Board or commission and discuss the procedures to be followed for the benefit of the applicant.

(6) Record keeping:

(a) The Board or commission shall make a sound recording of all ~~administrative~~ public hearings and shall retain such recording for not less than six months following the closing of the hearing;

(b) Verbatim transcripts. In the event that any party desires a verbatim transcript of the ~~administrative~~ public hearing, a written request therefor shall be filed with the chairperson not less than three weeks before the hearing date. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs;

(c) Decisions and orders. The Board or commission shall retain in the Office of the Economic and Community Development Department a copy of every ruling, decision, recommendation and/or determination. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(7) Notification of decision. Copies of findings of fact and decisions or recommendations of the Board or commission shall be served by mailing a copy thereof to all parties within five business days of such decision.

(8) Legislative public hearings. The public hearing rules for public hearings on purely legislative matters may be less formal, although shall still comply with the requirements of substantive and procedural due process.

(9) Procedural Rules. The Board or commission may adopt rules of procedures not inconsistent with this section.

~~D. Legislative public hearing procedure.~~

~~(1) Notice for all legislative public hearings shall be given in accordance with § 44-1705A. All legislative public hearings shall be held at regularly scheduled meetings, except when conditions require a special meeting.~~

~~(2) Testimony. Any person may submit written comment which shall be made part of the public record or may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney.~~

~~(3) Oaths. The chairperson may administer oaths.~~

~~(4) Compelling the appearance of witnesses. The chairperson may compel the attendance of witnesses by mailing to such persons a notice compelling attendance, not less than five days before the public hearing. Failure of a person to appear in response to such a notice shall constitute a violation of this Code.~~

~~(5) Record keeping. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicate such fact.~~

Proposed Change

~~(6) Transmittal of recommendation to Council. A copy of the meeting minutes and any reports or recommendations shall be filed with the Economic and Community Development Department prior to final action by the City Council on a particular item and shall become part of the public records of the municipality, provided however, the failure to file such minutes shall not invalidate final action of the City Council. **[Amended 10-26-2020 by Ord. No. 2020-69]**~~

§ 44-1706. [Ch. 44, 17-6] Zoning Map (rezoning) and text amendments.

A. Purpose. Recognizing that conditions may change subsequent to the adoption of the City's Zoning Map and Zoning Ordinance, and/or that amendments may be necessary to clarify or correct the zoning regulations, the amendment process is hereby established. For this purpose and for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the value of property throughout the City and lessening and avoiding congestion of the public streets and highways, City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in this Code and the districts provided hereby, provided that in all amendments adopted under the authority of this section, due allowance shall be given for the existing condition, the conservation of property values, the direction of building development to the best advantages of the entire City and the use to which the property is devoted at the time of adoption of such amendment.

Proposed Change

B. Initiation of amendment. Amendments to the Zoning Map may be proposed by the City Council (by motion or resolution), property owners or parties to a valid and enforceable purchase option contract for the subject property. Amendments to the Zoning Ordinance, that is, zoning text amendments, may be proposed by ~~a motion or resolution of~~ the City Council (by motion or resolution). Text amendments may also be proposed by City staff, or by motion of the Zoning Board of Appeals or Planning Commission.

C. Application. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Proposed Change

(1) An application for a map or text amendment shall be submitted on the form provided by the Office of the Economic and Community Development Department.

(2) Applications shall conform to the requirements of § 44-1703. In addition to the minimum requirements of the application, the Director of Economic and Community Development may request additional information necessary to facilitate a review of the application.

D. Action by Director of Economic and Community Development. Upon submission of a complete application, the Director of Economic and Community Development shall review the application for compliance with § 44-1703 of this article and other applicable requirements and prepare a written report. **[Amended 10-26-2020 by Ord. No. 2020-69]**

E. Action by Planning Commission.

Proposed Change

(1) Hearing. The Planning Commission shall give notice and hold a ~~legislative~~ public hearing on each application for a Zoning Map or zoning text

amendment. SEE FOLLOWING PAGE FOR PROPOSED RESTRUCTURE OF § 44-1706E(2)

Proposed Change

(2) Recommendation. At the close of the ~~legislative~~ public hearing, the Planning Commission shall make findings of fact and prepare a recommendation to the City Council. In making its recommendation, the Planning Commission shall be guided by those purposes, standards, and objectives of this Code and shall not recommend the adoption of any amendment unless it finds that such amendment is in the public interest and not solely for the benefit of the applicant. In making such a finding, the Commission may consider:

Map (La Salle #5a) (a) The suitability of the subject property for uses authorized by the existing zoning;

Map (La Salle #6) (b) The length of time the property has remained vacant as zoned considered in the context of land development in the area;

Map (La Salle #5b) (c) The suitability of the subject property for uses authorized by the proposed zoning;

Map (La Salle #1) (d) The existing land uses and zoning of nearby property;

Map (La Salle #4) (e) Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application; Text

Map (§ 44-1706 Req) (f) The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;

Map (La Salle #3) (g) The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area;

Map (§ 44-1706 Req) (h) The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;

(i) The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein; Text

Map (La Salle #2) (j) The extent to which property values are diminished by the particular zoning restriction;

(k) The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public; Text

Map (Sinclair #2) (l) Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it; Text

Map (Sinclair #1) (m) Whether the City needs more of the types of uses allowed in the proposed ~~use~~ District. Text

Proposed Change

PROPOSED RESTRUCTURE OF § 44-1706E(2)

Only changed content is in ~~strikethrough~~ underline; rearrangements are reflected but not noted.

(2) Recommendation. At the close of the legislative public hearing, the Planning Commission shall make findings of fact and prepare a recommendation to the City Council. In making its recommendation, the Planning Commission shall be guided by those purposes, standards, and objectives of this Code and shall not recommend the adoption of any amendment unless it finds that such amendment is in the public interest and not solely for the benefit of the applicant. In making such a finding, the Commission may consider:

(a) For Map Amendments

[1] The suitability of the subject property for uses authorized by the existing zoning;

[2] The suitability of the subject property for uses authorized by the proposed zoning;

[3] The length of time the property has remained vacant as zoned considered in the context of land development in the area;

[4] The existing land uses and zoning of nearby property;

[5] Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;

[6] The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;

[7] The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area;

[8] The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;

[9] The extent to which property values are diminished by the restrictions of the proposed ~~particular~~ zoning ~~restriction~~;

[10] Whether a Comprehensive Plan for land use and development exists, and whether the amendment ~~ordinance~~ is in harmony with it;

[11] Whether the City needs more of the types of uses allowed in the proposed ~~use~~ zoning district.

(b) For Text Amendments

[1] The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein;

[2] The extent to which property values are diminished by the proposed ~~particular~~ zoning restriction;

[3] The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public;

[4] Whether a Comprehensive Plan for land use and development exists, and whether the amendment ~~ordinance~~ is in harmony with it;

[5] Whether the City needs the any additional types of uses or development allowed by the proposed amendment ~~use~~.

F. Action by the City Council.

(1) The City Council upon receiving the report and recommendation of the Planning Commission, as an exercise of the legislative discretion vested in the corporate authority of the City of Bloomington, Illinois, may grant or deny the proposal.

(2) If an application for a proposed amendment is not acted upon finally by the City Council within three months of the date upon which such application is received by the City Council, it shall be deemed to have been denied unless extended by agreement of the applicant and the City Council.

(3) In case a written protest against any proposed amendment of the zoning districts created under this Code, signed and acknowledged by owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered or by the owners of 20% ~~of the frontage~~ immediately adjoining or across the alley therefrom is filed with the Economic and Community Development Department, the amendment cannot be passed except on the favorable vote of 2/3 of the Aldermen of the City then holding office. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Proposed Change

(4) No application for a map amendment which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the City Council.

§ 44-1707. [Ch. 44, 17-7] Special uses.

A. Purpose. The development and execution of this Code is based upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, by their very nature and their unique characteristics cannot be permitted in a particular district or districts without special consideration being given to the characteristics of surrounding property, as well as the site itself and the impact such a use would have on adjoining or nearby property. The purpose of this section is to specify standards that shall be required to be met before the issuance of a special use permit. In addition to the underlying zoning district regulations and the general standards applicable to all special use requests, each special use shall meet any applicable specific standards set forth for that use and any conditions imposed by the City Council in the ordinance granting the special use permit. Special uses fall into two categories:

(1) Uses publicly operated or traditionally serving a public interest;

(2) Uses entirely private in character but of such an unusual nature that their

operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Existing special uses. Where a building or structure and the use thereof, or the use of land lawfully exists on the effective date of this Code, including amendments thereafter as an allowable special use in the zoning district in which it is located, the existing building or structure and its use thereof, or the use of land where no building, or structure is involved, comprising such a special use shall be considered a lawful existing special use.

C. Initiation of application. The City Council or the City Manager at the direction of the City Council or any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Code in the zoning district in which the land is located.

D. Application requirements.

(1) An application for a special use permit shall be submitted on the form provided by the Office of the Economic and Community Development Department. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) The application shall include a statement describing the nature of the proposed use and a full-size, legible site plan.

(3) Applications shall conform to the requirements of § 44-1703. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information prior to the public hearing on their requests.

(4) The site plan shall provide the following information on one or more sheets:

(a) Location by Section, Town and Range or other legal description;

(b) Names and addresses of the persons having proprietary interest over the property;

(c) Graphic (engineering) scale;

(d) North-points;

(e) Date of preparation;

(f) The boundary lines of the property in question;

(g) Location of all survey monuments and their descriptions;

(h) Proposed location, width, and type of surface material of all proposed sidewalks, pedestrian ways, driveways, parking areas, service areas, and recreation areas;

(i) Size, location, height, number of stories, building design, and arrangement of proposed buildings and structures and existing buildings and structures;

(j) Size and location of proposed parking areas with arrangement of bays and aisles and curb cuts, and with indication of the total number of spaces;

(k) Size, location, and composition of all proposed fencing, refuse enclosures and landscaped screening material;

(l) Landscaping plan indicating size, location, and general characteristics of plant materials as specified in Article XIII of this Zoning Ordinance.

E. Action by Director of Economic and Community Development. Upon submission of a complete application, the Director of Economic and Community Development shall review the application for compliance with Subsection H of this section and other applicable requirements and prepare a written report. **[Amended 10-26-2020 by Ord. No. 2020-69]**

Proposed Change

F. Action by ~~Zoning Board of Appeals~~ Planning Commission

Ord. No. 2022-99

Proposed Change

(1) Hearing. Upon receipt in proper form of the application and supporting material referred to above, the ~~Zoning Board of Appeals~~ Planning Commission shall hold at least one ~~administrative~~ public hearing on the proposed Special Use in the manner provided in § 44-1705. ~~If any variations to the regulations of this code would otherwise be necessary for the development proposal, such review procedure shall be deemed to occur simultaneously with the Zoning Board of Appeals' administrative public hearing and recommendation on the special use permit application.~~

Proposed Change

No longer needed w waivers approvable via concurrent SP

Proposed Change

(2) Recommendation. For each special use application, the ~~Zoning Board of Appeals~~ Planning Commission shall report to the Council its findings of fact and, recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein.

Ord. No. 2022-99

G. Action by the City Council. The City Council shall either deny the application or shall grant the special use permit, with or without modifications or conditions.

Proposed Change

H. Standards of approval. No special use application shall be recommended by the ~~Zoning Board of Appeals~~ Planning Commission or approved by the City Council unless all of the following factors are found:

Ord. No. 2022-99

(1) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort, or general welfare;

(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;

(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

(6) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the ~~Zoning Board of Appeals~~ Planning Commission.

Proposed Change

I. Conditions and guarantees. Prior to the granting of any special use application, the ~~Zoning Board of Appeals~~ Planning Commission may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. The Council may require such evidence and guarantees as it may deem necessary as proof of compliance with the conditions of approval.

Proposed Change

J. Expiration and revocation of special use permits and existing special use. The revocation or expiration of a special use permit issued pursuant to this Code or of an existing special use shall cause the use to become an illegal use for the property in question and shall be subject to the enforcement procedures under this Code. **[Amended 8-24-2020 by Ord. No. 2020-55]**

K. Revocation of special use permits. In any case where a special use has not been physically undertaken within one year after the date of granting thereof, or if Conditions or Guarantees remain unmet for a period of one year following a prescribed date of completion, then without further action by the Council, the special use or authorization thereof shall null and void.

Proposed Change

L. Change of use. In any case where a special use permit has been granted or where existing special use status has been granted, and the special use has been established, a change in use, from the approved or authorized special use to another use, shall cause the special use permit or existing special use status authorized by this Code to expire. **[Amended 8-24-2020 by Ord. No. 2020-55]**

M. Discontinuance of special use. When a special use or an existing special use is discontinued for six consecutive months, or for 18 months during a three-year period, the special use permit or existing special use status shall expire.

N. Destruction of structure. The removal or destruction of a structure containing a Special Use shall cause the special use permit or the existing special use status to expire. Destruction, for the purpose of this subsection, is defined as damage to an extent of more than 50% of its fair market value prior to the time of destruction.

O. Expansion of use. Expansion of the special use beyond the level of activity stated in the special use permit or beyond the level of activity of the existing special use shall cause the special use permit or such existing special use status to be revoked.

§ 44-1708. [Ch. 44, 17-8] Variations.

A. Applicability.

(1) The Zoning Board of Appeals shall have the power to authorize, upon application, variations to this Code-except where in conflict with other provisions of this section, and to allow the enlargement and structural alterations of nonconforming structures. Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent. Ord. No. 2022-99

(2) The Zoning Board of Appeals may grant variations only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein. Ord. No. 2022-99

(3) The Zoning Board of Appeals may grant variances from the provisions or requirements of the Sign Code only where the Standards for Variations (§ 44-1708F) are met. Ord. No. 2022-99

(4) Any and all variations to this Code granted by the Zoning Board of Appeals prior to January 9, 1996 are hereby authorized and validated. Ord. No. 2022-99

(5) Under no circumstances shall the Zoning Board of Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land expressly or by implication prohibited by the terms of this Code in said zoning district. Ord. No. 2022-99

B. Initiation of application. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council.

C. Application requirements.

(1) An application for a variation shall be submitted on the form provided by the Office of the Economic and Community Development Department. The application shall specify the grounds for the variation. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) Before the application is filed, a pre-application review by the Economic and Community Development Department is required. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(3) Applications shall conform to the requirements of § 44-1703. The information requested on the application is deemed to be a minimum, and applicants may be required to supply additional information prior to the public hearing on their

requests.

D. Action by Director of Economic and Community Development. Upon submission of a complete application, the Director of Economic and Community Development shall review the application for compliance with Subsection G of this section and other applicable requirements and prepare a written report. **[Amended 10-26-2020 by Ord. No. 2020-69]**

E. Action by Zoning Board of Appeals Upon receipt in proper form of the application and supporting material referred to above, the Zoning Board of Appeals shall hold a least one administrative public hearing on the proposed variation in the manner provided in § 44-1705. Ord. No. 2022-99 Ord. No. 2022-99

F. Standards for variations. A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating all the following factors are met: Ord. No. 2022-99

(1) That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and

(2) That the variance would be the minimum action necessary to afford relief to the applicant; and

(3) That the special conditions and circumstances were not created by any action of the applicant; and

(4) That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code; and

(5) That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties.

G. Approval. An affirmative vote of four members is required to approve the variance.

H. Conditions of approval. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this section, to reduce or minimize the effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this ordinance.

I. Decisions. All decisions of the Zoning Board of Appeals on variations initiated hereunder shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, et seq.) However, the aggrieved party may appeal to the City Council if a variation is rejected by the vote of less than five members of the Zoning Board of Appeals ; the Director of Economic and Community Development may appeal to the City Council if he or she believes the Board's decision allowing the variations violate the intent of this Code. To receive consideration by the City Council the aggrieved party or the Director of Economic and Community Development must file with the City Clerk Ord. No. 2022-99 Ord. No. 2022-99

a "Notice of Appeal" which shall be substantially in one of the following forms: **[Amended 10-26-2020 by Ord. No. 2020-69]**

Notice of Appeal

I, the undersigned, have requested and made application for a variation. Less than five members of the Zoning Board of Appeals concurred in the action which rejected may application.

Ord. No. 2022-99

I, therefore, request that the City Council review the record of the administrative hearing conducted by the Zoning Board of Appeals and make a final administrative determination thereon.

(Signature)_____

Notice of Appeal

The City of Bloomington, McLean County, Illinois, a Municipal Corporation, requests that the City Council review the record of the Zoning Board of Appeals administrative public hearing and make a final administrative determination thereon. This request is based on my belief that the decision made by the Zoning Board of Appeals granting the variation is invalid.

Ord. No. 2022-99

(Signature)_____

(1) No application for variation which has been denied wholly or in part by the Zoning Board of Appeals or Council shall be submitted for a period of one year from the date of said order of denial except on grounds of new evidence or proof of change of conditions found to be valid by the Zoning Board of Appeals.

Ord. No. 2022-99

J. Expiration. No order granting a variation shall be valid for a period longer than one year from the effective date of such order, unless a building permit for the building or structure for which such variation was granted is obtained from the Director of Economic and Community Development within such one-year period and unless construction of such building or structure is started and completed in accordance with the terms of such permit. No order granting a temporary use variation shall be valid for a period longer than one year from the effective date of such order. **[Amended 10-26-2020 by Ord. No. 2020-69]**

§ 44-1709. [Ch. 44, 17-9] Site plan review.

A. Purpose. It is the intent of the Site Plan Review procedure to facilitate the creative and coherent development of the community through the review of specific and detailed plans for parcels of land to stimulate creative approaches to commercial development of land, to provide more efficient use of land, to develop new approaches to the living environment through variety in type, design, and layout of buildings, transportation systems, and public facilities, to unify building and structures through design, to promote long term planning pursuant to the Bloomington Comprehensive Plan as adopted in 2015 and amended from time to time, and to find creative solutions to stormwater and sustainability related issues.

B. Initiation of site plan review. An application for a site plan review may be made by any person, firm, or corporation, or by any office, department, board, bureau, or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council.

C. Application requirements.

(1) An application for a site plan review shall be submitted on the form provided by the Office of the Economic and Community Development Department. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) Applications shall conform to the requirements of § 44-1703. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information.

(3) The site plan shall provide the following information on one or more sheets:

(a) Location by Section, Town and Range or other legal description;

(b) Names and addresses of the persons having proprietary interest over the property;

(c) Graphic (engineering) scale;

(d) North-points;

(e) Date of preparation;

(f) The boundary lines of the property in question;

(g) Size, location, height, number of stories, building design, and arrangement of proposed buildings and structures and existing buildings and structures;

(h) Schematic drawings illustrating the locations and dimensions of proposed buildings and structures, the design and character of the building, elevations, exterior building materials and types of construction of all proposed buildings and structures;

(i) A scaled site plan showing the existing buildings and land uses, contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation, and utilities.

(j) A scaled site plan of the proposed development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, size, and location of proposed parking areas with arrangement of bays and aisles and curb cuts, and with indication of the total number of spaces;

(k) Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans of all proposed buildings

and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.

(l) Size, location, and composition of all proposed fencing, refuse enclosures, and landscaped screening material;

(m) Landscaping plan indicating size, location, and general characteristics of plant materials as specified in Article XIII of this Zoning Ordinance if the project would result in new landscaping or landscape changes.

(n) A site drainage plan for the proposed project if required.

(o) A photometric/lighting plan for the proposed project if the project would result in new exterior lighting or changes to exterior lighting.

D. Concurrent applications. ~~If variations to the bulk, sign and off-street parking and loading regulations of this Code would otherwise be necessary for the development proposal, such proposal shall be exempt from the administrative public hearing on the variation request and such review procedure shall be deemed to occur simultaneously with the Planning Commission's review of the plan.~~ Land uses proposed to be included in a development requiring a ~~legislative~~ public hearing site plan review which would otherwise be allowed by special use permit only are exempted from the ~~administrative~~ public hearing normally required for such special use permit applications and the Planning Commission shall consider the standards for granting a special use and make a recommendation to the City Council on the granting of such site plan approval and special use ~~and variation and~~ at the ~~legislative~~ public hearing.

Proposed Change

No longer needed w waivers for use provisions

E. Site plan review requiring ~~legislative~~ public hearing. Applications for site plan review required pursuant to § 44-505 shall require a ~~legislative~~ public hearing.

Proposed Change

(1) Procedure. ~~Legislative~~ public hearings shall be conducted in accordance with § 44-1705 of this Code.

Proposed Change

(2) Recommendation and decision on site plan. In making its recommendation, the City staff, the Planning Commission and, in making its legislative determination, the City Council shall be guided by those purposes for which this Code was adopted and shall endeavor to accomplish those standards and objectives for which this Code is designed and may consider:

(a) The extent to which potential incompatibilities between the proposed development and surrounding existing development and/or zoning is minimized by such design features as placement of buildings, parking areas, access driveways and existing or proposed topography.

(b) The extent to which the proposal minimizes any adverse impact of the development upon adjoining land.

(c) The extent to which adequately improved streets connected to the

improved arterial street system are available or can be reasonably supplied to serve the uses proposed in the development.

(d) The extent to which the proposed development will favorably or adversely affect other persons or property and, if so, whether because of circumstances peculiar to the location the effect is likely to be greater than is ordinarily associated with the development of the type proposed.

(3) General conditions.

(a) Approval of a site plan by the City Council is required before a building permit is issued. Construction and use of the premises must be in accordance with the approved site plan and no occupancy permit shall be issued for any building or structure that is not in conformance with an approved site plan.

(b) Minor changes to an approved site plan are those that do not change the intent or character of development or modify the conditions of approval. Examples of minor changes are slight adjustments to the location, siting, and height of structures, the location of parking stalls and loading areas, and the location and species of landscaping. Minor changes may be authorized by the Director of Economic and Community Development pursuant to the administrative procedures in § 44-1709F. **[Amended 8-24-2020 by Ord. No. 2020-55; 10-26-2020 by Ord. No. 2020-69]**

(c) All other changes to an approved site plan shall be made by the City Council. The Council may require the Planning Commission to conduct an additional legislative public hearing and submit a recommendation on such proposed changes or deviations.

F. Administrative site plan review. The Director of Economic and Community Development shall be authorized to conduct site plan review for off-street parking and loading facilities or landscaping as required pursuant to Articles XII and XIII. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(1) The Director may refer any application to the Planning Commission and City Council pursuant to legislative public hearing procedures.

(2) In approving a site plan, the Director of Economic and Community Development shall consider the following:

(a) Consistency with the intent and purpose of this Code and the Comprehensive Plan;

(b) The quality of site design and appropriateness of development intensity;

(c) Adequacy and location of parking areas and pedestrian and vehicular access points;

(d) Compliance with requirements for easements or dedications;

(e) Compliance with any applicable subdivision improvements; and

(f) If applicable, compliance with any development conditions.

(3) The Director's decision on administrative site plan review may be appealed pursuant to the provisions of § 44-1712.

G. Exemptions. The following construction activities shall be exempt from site plan review:

(1) Construction of improvements inside buildings;

(2) Construction of accessory buildings or structures;

(3) Previously approved site plans showing future additions; and

(4) Construction of telecommunication tower facilities.

§ 44-1710. [Ch. 44, 17-10] Certificate of appropriateness.

A. Applicability.

(1) A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or property within a historic district may be undertaken:

(a) Any construction, alteration, or removal requiring a building permit from the City;

(b) Any demolition in whole or in part requiring a permit from the City;

(c) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in a historic resource survey or in the ordinance designating the landmark or historic district.

(2) Actions that do not alter the exterior architectural appearance of a landmark or property within a historic district, regardless of whether such actions require a building or demolition permit, are exempt from the requirement for a certificate of appropriateness.

(3) Initiation of application. An application for a certificate of appropriateness may be made by any person, firm, or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building or demolition permit or by the City Council or the City staff at the direction of the City Council.

B. Application requirements.

(1) The application for a certificate of appropriateness shall be submitted on a form provided by the Office of the Economic and Community Development Department. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(2) Applications shall conform to the requirements of § 44-1703. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information.

(3) The following information shall be provided on one more sheets.

(a) Street address of the property involved.

(b) Applicant and/or owner's name and address.

(c) Architect's name if one is utilized.

(d) Brief description of the present improvements situated on the property and photographs of existing conditions.

(e) A detailed description of the construction, alteration or demolition proposed, together with any architectural drawings or sketches if those services have been utilized by the applicant and, if not, a description of the construction, alteration, or demolition, sufficient to enable anyone to determine what the final appearance of the improvement will be.

C. Action by Historic Preservation Commission.

Proposed Change

(1) Every application for a certificate of appropriateness, including the accompanying plans and specifications shall be transmitted to the Preservation Commission within 20 days after the application is deemed complete, unless such time frame is extended in writing by mutual agreement of the City and applicant.

(2) The Economic and Community Development Department shall not issue the building or demolition permit for a designated landmark or a property within a designated historic district until a certificate of appropriateness has been issued by the Preservation Commission.

D. Standards for review. In considering an application for a building or demolition permit or for a certificate of appropriateness, the Preservation Commission shall be guided by the design guidelines in Subsection E and any guidelines established in the ordinance designating the landmark or historic district, as well as the following general standards:

(1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose;

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;

(3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier

appearance shall be discouraged;

(4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;

(5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;

(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken;

(8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project;

(9) Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(10) For landmarks, the Commission shall ensure consistency with the Secretary of Interior's Guidelines for the Treatment of Historic Properties and the Bloomington Architectural Review Guidelines.

E. Design guidelines. Design guidelines for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:

(1) Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;

(2) Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district;

(3) Relationship of building masses and spaces. The relationship of a structure

within a historic district to the open space between it and adjoining structures should be compatible;

(4) Roof shape. The design of the roof should be compatible with the architectural style and character of the landmark and of surrounding structures and landscapes in historic districts;

(5) Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts;

(6) Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;

(7) Directional expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in a district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character;

(8) Architectural details. Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.

F. Conditions of approval. The Preservation Commission may impose such conditions and restrictions upon the certificate of appropriateness as may be necessary to comply with the standards established in this section, to reduce or minimize the effect of such upon a landmark or historic district, and to better carry out the general intent of this ordinance.

G. Certificate of economic hardship.

(1) A certificate of economic hardship may be granted by the Preservation Commission when an applicant presents evidence clearly demonstrating that failure to approve a certificate of appropriateness will cause an immediate extreme financial hardship because of conditions specific to the particular structure that is the subject of the application. Upon granting a certificate of economic hardship, the commission may approve or conditionally approve a certificate of appropriateness even though it does not meet the standards set forth in Subsection D.

(2) An application for a certificate of economic hardship shall be made on a form prepared by the Economic and Community Development Department. The applicant shall supply the following minimum information in support of an application for a certificate of economic hardship: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(a) Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;

(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

(c) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;

(d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

(e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

(f) If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(g) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

(h) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;

(i) Assessed value of the property according to the two most recent assessments;

(j) Real estate taxes for the previous two years;

(k) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

(l) Any other information, including the income tax brackets of the owner, applicant, or principal investors in the property considered necessary by

the Preservation Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Proposed Change

(3) The Preservation Commission shall review all required evidence and information, conduct a~~n~~ ~~administrative~~ public hearing, and make a determination on the application within 45 days of receipt of the completed application unless such time frame is extended in writing by mutual agreement of the City and applicant.

(4) In order to grant a certificate of economic hardship, the Preservation Commission must find that denial of the proposed certificate of appropriateness would deprive a designated landmark or property within a Historic District of all reasonable use of or return.

(a) In the case of a proposed removal, relocation or demolition, the Preservation Commission must find that the designated landmark cannot be remodeled or rehabilitated in a manner that would allow a reasonable use of or return from such landmark or property to a property owner.

(b) The Preservation Commission or Director of Economic and Community Development may order that the issuance of a permit for removal, relocation, or demolition be delayed for a period of up to 180 days in order that such steps may be taken as are reasonably likely to result in the preservation of the building or structure involved. These efforts may include consultation with civic groups, public agencies, and interested citizens, and the exploration of possible acquisition. **[Amended 10-26-2020 by Ord. No. 2020-69]**

H. Decision of Preservation Commission.

(1) The Preservation Commission shall review the application for a certificate of appropriateness and issue or deny the certificate of appropriateness within 45 days following transmission of the completed application, unless such time frame is extended in writing by mutual agreement of the City and applicant.

(2) The Preservation Commission may establish a subcommittee of three of its members to review applications for a certificate of appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant. A certificate of appropriateness may be issued with full authority of the Commission prior to the next regular meeting upon the signature of the Chairperson of the subcommittee or upon the signature of the review official with his or her written finding that the application is consistent with the standards described in this section. The Commission may further designate staff support responsible for reviewing routine applications for certificates of appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in Subsection D of this section.

(3) Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant within seven days following

the determination.

(4) A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Preservation Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.

I. Appeals.

(1) Decisions of the Preservation Commission on certificates of appropriateness and certificates of economic hardship shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, et seq.), However, the Preservation Commission's determination may be appealed to the City Council if such application is rejected by the vote of fewer than five members.

(2) An applicant may appeal such decision to the City Council by filing notice of intent to do so with the Economic and Community Development Department within 30 days after receiving notice of the decision of the Commission. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(3) An appeal from a final administrative decision as defined herein shall be to the Circuit Court as provided in the Administrative Review Act (735 ILCS 5/ 3-101 et seq.) For purposes of the Illinois Administrative Review Act any of the following shall constitute a final administrative decision:

(a) A decision of the Bloomington City Council finally disposing of the matter;

(b) A decision of the Historic Preservation Commission that is not subject to appeal under this section;

(c) An appealable decision of the Historic Preservation Commission that has not been appealed to the City Council at the end of the time for appeal to the City Council.

§ 44-1711. [Ch. 44, 17-11] Demolition review.

A. Applicability. Except for historic landmarks and buildings located in a historic district, buildings shall be subject to the requirements of this section where:

(1) The proposed demolition exceeds 500 square feet of gross floor area; and

(2) The building was constructed more than 50 years before the date of the application for a demolition permit, as determined on the basis of available

records.

B. Administrative review of demolition. Upon receipt of an application for a demolition permit, or a building permit involving demolition, the Director of Economic and Community Development shall review the application to determine if the building meets the criteria of Subsection A. If it does, the Director of Economic and Community Development shall: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(1) Notify the applicant in writing within ten business days that the application for demolition must be reviewed before proceeding. Ord. No. 2022-99

(2) Within ten business days, forward a copy of the application to the Preservation Commission chairperson and any standing committee of the Preservation Commission that is empowered to review demolition permits. Ord. No. 2022-99

(a) Within five days of a receipt of the copy of the application, the chairperson or duly authorized committee shall issue a preliminary recommendation regarding the granting of the demolition permit. If a favorable recommendation is issued, the demolition permit shall be issued. If the chairperson or committee determines that the building is potentially significant pursuant to the standards of § 44-804B, a recommendation may be made in opposition to granting the demolition permit.

(b) If the chairperson or committee determines that the building is potentially significant, it shall schedule an administrative public hearing before the Preservation Commission to consider the building's historical or architectural significance. Said hearing shall be conducted within 45 days of initial submittal of the permit application. The City shall give notice in the manner prescribed by § 44-1705. Ord. No. 2022-99

Proposed Change

C. Public hearing. The ~~administrative~~ public hearing shall be conducted in accordance with the procedures of § 44-1705.

(1) The Preservation Commission shall hear all public testimony regarding the potential significance of the building and the proposed demolition.

(2) At the conclusion of the hearing, the Commission shall make findings and issue a determination as to the significance of the building.

D. Decision. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(1) If the building is determined to be not significant, the Director of Economic and Community Development shall cause such demolition or building permit to be issued, provided that it complies with all other requirements of the Code.

(2) If the building is significant, Director of Economic and Community Development shall conduct a meeting between the chairperson or committee and the owner (or his or her representative), within 10 days of the public

hearing, to discuss alternatives to demolition.

E. Demolition.

(1) The demolition review process shall not delay the issuance of a demolition or building permit by more than 60 days.

(2) If no alternatives to demolition have been identified and agreed to by the applicant within said sixty-day period, the Director of Economic and Community Development shall cause the demolition or building permit to be issued provided that it complies with all other requirements of this Code. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(3) Nothing in this section shall be construed to prevent immediate demolition or partial demolition where public safety is at risk and where the building has been determined by the Building Official to be a public hazard and demolition is the only viable recourse.

§ 44-1712. [Ch. 44, 17-12] Administrative appeals.

A. Authority. The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, or determination made by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]** Ord. No. 2022-99

B. Initiation. An administrative appeal may be taken to the Zoning Board of Appeals by any property owner, the City Council, or parties to an enforceable purchase option contract aggrieved by an administrative order, requirement decision, or determination under this Code by the Director of Economic and Community Development, provided the terms "any property owner" and "parties to an enforceable purchase option contract" refer to persons with an ownership or contractual interest in the parcel which is the subject of the administrative order, requirement, decision or determination made by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]** Ord. No. 2022-99

C. Application requirements. An administrative appeal shall be filed made by filing a written notice of appeal, specifying the grounds of the appeal, in the Economic and Community Development Department. The appeal shall thereafter be forwarded to the Zoning Board of Appeals within 20 days. **[Amended 10-26-2020 by Ord. No. 2020-69]** Ord. No. 2022-99

Proposed Change

D. ~~Administrative~~ public hearing. The Zoning Board of Appeals shall conduct a~~n administrative~~ public hearing on all appeals duly initiated hereunder. Ord. No. 2022-99

(1) In appeals to the Board from decisions of the administrator denying a permit or declaring a structure to be illegal, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of this Code and applicable law and accordingly affirm or reverse the appealed decision. The Board may direct the Administrator to issue the permit or statement permitting the structure in

accordance with its decision or may remand the matter for further consideration and investigation consistent with the Board's ruling. **[Amended 8-24-2020 by Ord. No. 2020-55]**

E. Decisions. All decisions of the Zoning Board of Appeals on appeals initiated hereunder shall be final and reviewable only in the Courts in accordance with the applicable Statutes of the State of Illinois. However, the aggrieved party may appeal to the City Council if his or her appeal is rejected by the vote of less than five members of the Zoning Board of Appeals ; the Director of Economic and Community Development may appeal to the City Council if he or she believes the Board's decision reversing his action violates the intent of this Code. To receive consideration by the City Council, the aggrieved party or the Director of Economic and Community Development must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms: **[Amended 10-26-2020 by Ord. No. 2020-69]**

Ord. No. 2022-99

Notice of Appeal of Zoning Administration Interpretation

I, the undersigned, appealed an order, requirement, decision or determination of the Director of Economic and Community Development. Less than five members of the Zoning Board of Appeals concurred in the action which rejected my appeal. I, therefore, request that the City Council review the record of the Board of Zoning Appeals' ~~administrative~~ public hearing and make a final ~~administrative~~ determination thereon.

Proposed Change

(Signature) _____

Notice of Appeal of Zoning Board of Appeals Administrative Interpretation

Ord. No. 2022-99

The City of Bloomington, McLean County, Illinois Municipal Corporation, requests that the City Council review the record of the Zoning Board of Appeals' ~~administrative~~ public hearing and made a final ~~administrative~~ determination thereon. This request is based on my belief that the decision made by the Zoning Board of Appeals reversing my action violates the intent of Bloomington City Code Chapter 44.

Ord. No. 2022-99

Proposed Change

(Signature)_____

(1) If a Notice of Appeal is filed with the aggrieved party or by the Director of Economic and Community Development within 10 working days from the date on which the Zoning Board of Appeals' decision, rule or order was served, the appeal shall be considered by the City Council and the determination of the Council on the matter shall be final. If no such Notice of Appeal is filed with the City Clerk within said period, the action of the Zoning Board of Appeals shall be final, even if taken by less than five concurring votes.

Ord. No. 2022-99

Ord. No. 2022-99

§ 44-1713. [Ch. 44, 17-13] Zoning Enforcement Officer. [Amended 10-26-2020 by Ord. No. 2020-69]

A. Duties. The Director of Economic and Community Development shall administer and enforce this Code. He or she may be provided with assistance of such other

persons as the City Manager may direct. In furtherance of such authority the Director of Economic and Community Development, or his or her designee, shall:

(1) Notify in writing any person responsible for violating any of the provisions of this Code, indicating the nature of the violation and ordering the action necessary to correct it;

(2) Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions;

(3) Issue all building permits, and make and maintain records thereof;

(4) Issue all zoning compliance certificates and make and maintain records thereof;

(5) Issue all special use permits after they are approved by the Council in accordance with 10 of this Code;

(6) Issue all zoning verification letters and maintain records thereof;

(7) Conduct inspections of buildings, structures, and use of land to determine compliance with this Code;

(8) Maintain permanent and current records pertaining to this Code, including but not limited to, maps, amendments, plans, special uses, variations, appeals, and applications therefor; and designate on the Official Zoning Map each amendment;

(9) Provide and maintain a public information bureau relative to all matters arising out of this Code;

Proposed Change

(10) Receive, file and forward to the Zoning Board of Appeals all applications for appeals~~, special uses~~, authorized variations, or other matters on which the Board of Zoning Appeals is required to pass under this Code; Ord. No. 2022-99

(11) Forward to the Economic and Community Development Department all applications for special use permits, amendments, and other matters which are to be referred to the Zoning Board of Appeals , Historic Preservation Commission, or the Planning Commission. Ord. No. 2022-99

B. Building permit requirements. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Economic and Community Development. No building permit shall be issued by the Director of Economic and Community Development except in conformity with the provisions of this Code and Chapters 10 and 24 of the Bloomington City Code, 1960, as amended, unless he or she receives a written order from the Zoning Board of Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment Ord. No. 2022-99

as provided by this Code.

§ 44-1714. [Ch. 44, 17-14] Zoning verification letters.

A. Purpose. A zoning verification letter may be requested from the Economic and Community Development Department by any individual seeking information about the zoning status of a specific parcel of land. **[Amended 10-26-2020 by Ord. No. 2020-69]**

B. Request.

(1) The request for a zoning verification shall be submitted in writing, and shall include the following:

(a) Sufficient information to identify the property including the property address, parcel number, and/or a map indicating the property location;

(b) Specific list of information requested.

(c) Administrative fee.

(2) If the request covers multiple parcels, the Director of Economic and Community Development may determine that each parcel is a separate request and assess additional fees. **[Amended 10-26-2020 by Ord. No. 2020-69]**

C. Content. A zoning verification letter shall be prepared based upon information on file in the Economic and Community Development Department, and shall be limited to the following: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(1) The future land use designation of the property;

(2) The current zoning district of the property;

(3) Verification that a particular use is permitted within the property's current zoning district;

(4) Information about special uses, variations, planned unit developments or other parcel-specific regulations that pertain to the site;

(5) Zoning action, if any, that is needed to permit a particular use;

(6) Any current, outstanding violations that are the subject of code enforcement action.

D. Errors, inaccuracies or omissions. If the Director of Economic and Community Development determines that a zoning verification letter was based on inaccurate or misleading information or if the zoning verification letter does not comply with this Code, then, at any time, the Director may issue a modified letter that complies with the Code or revoke the zoning verification letter. No refunds will be provided. **[Amended 10-26-2020 by Ord. No. 2020-69]**

E. Effect.

(1) The zoning verification letter shall not be construed to verify compliance of a parcel with development regulations, parking, or landscaping requirements, or to certify legal nonconforming status.

(2) A zoning verification letter does not authorize any development activity or use.

(3) The determinations made within a zoning verification letter are not subject to appeal.

§ 44-1715. [Ch. 44, 17-15] Complaints and penalties.

A. Compliance required. All land developed or redeveloped, all buildings and structures erected, converted, enlarged, reconstructed, moved, or structurally altered, and all land, buildings, structures, and uses must comply with all applicable provisions of this Code. Failure to comply with applicable provisions constitutes a violation of this Code. The following list of violations is intended to be illustrative, and not limited to the specific items.

(1) Development or redevelopment violations.

(a) Engaging in the development or redevelopment of land in any way not consistent with the requirements of this Code.

(b) Erecting a building or other structure in any way not consistent with the requirements of this Code.

(c) Failure to comply with any condition or stipulation imposed on a permit or approval, including conditions of approval for a map amendment, special use, site plan review, variation, certificate of appropriateness, planned unit development, or other approval.

(2) Alterations to existing land, buildings or structures violations.

(a) Modifying, converting, filling, excavating, removing, enlarging, reconstructing, moving or structurally altering land, vegetation, fences, and other site features in any way except as permitted by or pursuant to this Code.

(b) Modifying, converting, enlarging, reconstructing, demolishing, moving or structurally altering an existing building or structure except as permitted by or pursuant to this Code.

(3) Use violations.

(a) Using land, buildings, or structures in any way except as permitted by or pursuant to this Code.

(b) Engaging in the use of a building or land or any other activity requiring one or more permits, variance, or other approval under this Code without obtaining all such permits, variances, or approvals.

(4) Compliance violations.

(a) Failure to comply with any lawful order issued by the Director of Economic and Community Development. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(b) Failure to arrange for an initial inspection or a re-inspection to determine compliance with notices issued under this Code.

(c) Failure to comply with any permit, variance, special use, planned development, or approval granted under this Code.

(5) Separate violation. Each act of violation and each day upon which a violation occurs or remains shall constitute a separate violation.

B. Complaints. In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Code, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Director of Economic and Community Development. The Director shall properly record such complaint, immediately investigate and may, if a violation exists, institute any appropriate action or proceeding to: **[Amended 10-26-2020 by Ord. No. 2020-69]**

(1) Prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2) Prevent the occupancy of the building, structure, or land;

(3) Prevent any illegal act, conduct, business, or use in or about the premises;

(4) Restrain, correct, or abate the violation; or

(5) Seek fines, court costs, and attorney fees in administrative or circuit court.

C. Enforcement process.

(1) Basis of inspections. Inspections shall be made to obtain and maintain compliance with the provision of this Code based upon one or more of the following:

(a) To determine conformity with a permit, variation, special use or other approval, as well as any special conditions imposed at any time.

(b) The need to determine compliance with a notice or an order issued by the City.

(c) A complaint is received by the City, indicating that there is a violation of the provisions of this chapter.

(d) An observation by the City of a violation of the provisions of this Code.

(e) An emergency is observed or reasonably believed to exist.

(f) A request for an inspection is made by the owner or responsible person.

(g) Designation of an area where all dwelling units, accessory building, yards, and/or signs are to be inspected uniformly or intensively or for specific violations.

(2) Content of violation notices. Violation notices authorized by this chapter shall:

(a) Be in writing.

(b) Include a description of the real estate and/or project name sufficient for identification.

(c) Include a statement of the violation or violations.

(d) Include a correction order allowing a reasonable time to correct the violation and bring the property into compliance. If a Notice to Abate, the notice shall indicate that the City may obtain a court order to abate the violation if not brought into compliance, may charge the owner for the cost of abatement, and may place a lien against the property for said costs until paid.

(e) State that failure to comply with the Notice may result in further enforcement action which may include prosecution in administrative or circuit court to obtain fines and court costs and/or injunctive relief.

(f) Include a description of the right to appeal, if applicable.

(3) Method of service. A written notice shall be deemed to be properly served in one of the following ways:

(a) Delivered personally;

(b) Sent by first-class mail addressed to the last known address of the responsible person; or

(c) Any other method authorized for the service of process by court rule or State statute.

(4) Posting. After issuing a written notice, the City may, but is not required to, post a copy of the written notice and/or a placard on the property.

(5) Reasonable entry. If needed, inspections inside a structure, building, dwelling, dwelling unit, or accessory building shall be made during reasonable hours. Entry without consent of an owner or an occupant shall require an administrative warrant, or an order of the court as provided by State law.

D. Penalties. The City may use any lawful remedy or enforcement powers against the owner or responsible person for any violation of this Zoning Ordinance. Remedies may be pursued simultaneously or sequentially and the pursuit of one remedy does not foreclose the simultaneous or subsequent pursuit of other remedies. The remedies are cumulative, and the City shall have all power granted from time to

time under all applicable federal, state, and local laws, rules, and regulations. Such remedies include, without limitation, one or more of the following:

(1) Fines, court order. The City may bring and prosecute an action in administrative or circuit court to:

(a) Obtain fines of from $100 to $750 per violation per day, plus court costs and attorney fees; and/or

(b) Enjoin the owner or responsible person from continuing such violation, use, erection, construction, moving or alteration, which may include demolition, removal, or abatement of the violation; and/or

(c) Comply with the requirements of this Code.

(2) Withhold permit. The City may deny or withhold any and all permits or other forms of authorization from an applicant on any property where there is an uncorrected violation of a provision of this Code or of a condition or stipulation of approval for a permit or other authorization previously granted by the City.

(3) Permit approved with conditions. In addition to denying or withholding a permit or other authorization, the City may grant such permit or other authorization subject to the condition that the violation be corrected.

(4) Temporarily suspend permit. A permit or other form of authorization under this Code may be temporarily suspended until the violation is corrected.

(5) Revoke permit. A permit or other form of authorization authorized under this Code may be revoked when the Zoning Administrator determines that: a) there is departure from the plans, specifications, or conditions required under the permit; b) the permit or other form of authorization was procured by false representation or was issued in error; or c) any of the provisions of this Code are being violated. Any permit or other authorization revoked under this procedure shall become null and void.

(6) Cease and desist order. With or without revoking a permit, the Director of Economic and Community Development may issue a cease and desist order on any land, building or structure for which there is an uncorrected violation of a provision of this Code. The cease and desist order must be in writing and must state the work in violation that is to be stopped, the reasons for the stoppage, and the conditions under which the work may be resumed. **[Amended 10-26-2020 by Ord. No. 2020-69]**

(7) Declaration of nuisance. A violation of this chapter is a nuisance per se and the City may institute appropriate actions or court proceedings to correct or abate any violation of the provisions of this chapter. If the owner or responsible person fails to abate a violation, the City may take action to abate the violation. The abatement may be performed by the City, by a contract vendor, or by other means determined by the City. The cost of such action, plus an administrative

fee, shall be a personal debt of the owner, and may be assessed as a lien against the property until paid.

(8) Performance guarantee or surety. If a performance guarantee or surety was previously required as a special condition by the Planning Commission, Zoning Board of Appeals, City Council, or Zoning Administrator, the City may seek forfeiture of the performance guarantee or surety.

ARTICLE XVIII
GAP Districts

[See the GAP Form-Based Code included as an attachment to this chapter.]

Remove GAP attachment, insert all following pages into main text.

Ignore red highlighted text for now; old references still need to be updated and some images are still being converted.

Article XVIII GAP (Gridley, Allin, & Prickett) Form-Based Code

Contents

44-1401 Introduction 2
44-1402 GAP Districts & Regulating Plans 3
Table 1402B: Summary of Districts by Building Types 4
Figure 1402B: GAP District Regulating Plan (Initial) 4
44-1403 Uses 4
Table 1403B: GAP Districts - Permitted and Special Uses 5
44-1404 ~~Building~~ Development Standards 8
Table 1404A(10): Building ~~Types~~ Siting Summary Table 9
Table 1404A(11): Building ~~Types~~ Development Criteria Summary Table 10
Table 1404A(12): Building ~~Types~~ Façade Requirements Summary Table 11
B. Development of building types 12
Figure 1404B: Typical Block 13
44-1405 Building Type Requirements 13
44-1406 Building Types 20
A. Commercial Building. 20
B. Cottage Commercial ~~Building~~ 22
C. Warehouse Building 23
D. Iconic Building 24
E. House 25
F. Estate House 27
G. Manor ~~MultiFamily~~ Multiple-Family (MF) 28
H. Rowhouse 29
I. Apartment Building 30
44-1407 Parking & Access Standards 32
Table 1407B: Off-Street & Bicycle Parking Standards Specific to the GAP Neighborhood 34
44-1408 Landscape Standards 35

44-1401 Introduction

A. Code Introduction. This document provides the development regulations for the Gridley, Allin, & Prickett Neighborhood. These regulations include uses, parking, and landscape standards, as well as building type standards.

B. How to use this Code. Each lot within the GAP Neighborhood is designated with a district that allows the development of at least two (2) building types, with the exception of GAP 6. The standards for the building types are located starting in § 44-1406. To determine which standards are applicable to a lot, follow these steps:
   (1) Determine District Designation. Using the Regulating Plan (Figure 1402B), determine the lot's district designation. This details which building types can be constructed on the lot and which uses are permitted on the lot.
   (2) Permitted Building Types. Starting in § 44-1406 are the building type standards.
   (3) Permitted Uses. The list of permitted uses is found in Table 1403B. It is organized by district. A permitted use within the district can be developed within any of the district's permitted building types.
   (4) Other Standards. The Landscape and Parking Standards apply to all lots within the GAP neighborhood, as outlined in § 44-1407 and § 44-1408.

C. Code definitions. These definitions are specific to the regulations outlined for the GAP Neighborhood and are in addition to the definitions in the Chapter 44 City of Bloomington Zoning Code. In cases where definitions in this Article conflict with those present in the City of Bloomington Zoning Code, the definitions hereunder shall control.
   (1) Accessory Unit. A dwelling unit in addition to the dwelling unit(s) within the primary structure on a lot.
   (2) Base Type. The permitted treatment types of the ground story façade of a structure.
   (3) Building Coverage. The percentage of a lot covered by structure(s), principal and accessory.
   (4) Building Type. A structure defined by the combination of configuration, form and function.
   (5) Build-to Zone. An area in which the front or side facade of a building shall be placed; it may or may not be located directly adjacent to a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line.
   (6) Cap Type. The detail at the top of a building that finishes a facade, including a pitched roof with various permitted slopes, and a parapet.
   (7) Corner Building. A building constructed on the corner lot of a block to hold the spatial definition of an intersection, often referred to as "holding the corner."
   (8) Entrance, Primary. Also referred to as main or principal entrance. The principal point of access for pedestrians into a building is typically located on the front and corner side facade.
   (9) Expression Line. An architectural feature. A decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least a quarter (1/4) inch from the exterior facade of a building. Element typically delineates the floors or stories of a building.
   (10) Façade. The exterior face of a building, including, but not limited to the wall, windows, window sills, doorways, and design elements such as expression lines, a cornice, and a parapet.

(11) Façade, Front. Any building face adjacent to the front property line.
(12) Ground Story. The first floor of a building that is level to or slightly elevated above the sidewalk, excluding basements and cellars.
(13) "Hold the Corner." Building up to both the front and side property lines on a corner lot, in a sense holding down or anchoring the corner.
(14) Impervious Surface. Any hard-surfaced, man-made area that does not absorb or retain water, including, but not limited to building roofs, parking, driveways, and other paved areas.
(15) Impervious Site Coverage. The percentage of a lot covered by buildings, pavement, and other impervious materials; the calculation is determined using total lot area.
(16) Pervious Surface. An area maintained in its natural condition or covered by a material that permits the infiltration or percolation into the ground of at least 80% of water.
(17) Principal Building. Also referred to as the principal structure or building on a lot; contains the dominant use of the lot. It is always located toward the front of the lot in the front build-to zone or behind the front yard setback.
(18) Regulating Plan. A plan that identifies the districts and the standards by which a lot or a street may be developed.
(19) Semi-Pervious. A material that allows at least 40% absorption of water into the ground or plant material, such as pervious pavers, gravel or green roofs. Also referred to as semi-permeable.
(20) Setback. The horizontal distance from a lot line inward, beyond which the building may be placed. It delineates the minimum distance a structure must be placed from a lot line.
(21) Story. A habitable level within a building measured from finished floor to finished floor.

44-1402 GAP Districts & Regulating Plans

A. GAP Neighborhood Districts. The following details the districts mapped throughout the GAP Neighborhood.
(1) **GAP 1.** This district allows for the development of Estate and Manor Multiple-Family Buildings. These buildings are set back from the front property line, more so than the other districts. The lots on which these buildings are constructed are typically larger than the other residential districts.
(2) **GAP 2.** This district allows for the development of House, Estate, and Manor Multiple-Family Buildings. GAP 2 is similar to the first, except that it also permits the House Building.
(3) **GAP 3.** This district allows for the development of House, Manor Multiple-Family, and Iconic Buildings. Apartment Buildings are permitted on corner lots. This district also allows a select list of special uses to occur on Market Street. Refer to Table 1403B.
(4) **GAP 4.** This district allows for the development of House, Manor Multiple-Family, Rowhouse, and Iconic Buildings. Apartment Buildings are permitted on corner lots. This district includes residential building types that are more dense than the previous districts.
(5) **GAP 5.** This district allows for the construction of mixed-use neighborhood commercial centers to serve those residents within walking distance. The Commercial, Cottage Commercial, Apartment, and Iconic Buildings are permitted.
(6) **GAP 6.** The Warehouse Building is the only permitted building type within this district. This district allows for the development of limited industrial uses with an absence of objectionable external effects in a manner that is appropriate given the proximity to residential uses. This includes small-scale industrial uses up to 12,000 square feet in size.

B. GAP Regulating Plan. GAP Districts 1-6 are mapped throughout the Neighborhood as detailed in Table 1402B and Figure 1402B.

Table 1402B: Summary of Districts by Building Types

Building Types	GAP 1	GAP 2	GAP 3	GAP 4	GAP 5	GAP 6
Commercial Building					X	
Cottage Commercial					X	
Warehouse Building						X
Iconic Building			X	X	X	
House		X	X	X		
Estate House	X	X				
Manor MF	X	X	X	X		
Rowhouse				X		
Apartment Building			C	C	X	

Notes:
"X" Denotes Buildings Permitted within a District
"C" Denotes Buildings Permitted only on Corner Lots within a District

Figure 1402B: GAP District Regulating Plan (Initial) *

* Subsequent amendments to the Zoning Map may have changed which GAP District applies to certain properties; current zoning should be verified prior to application of this Code.

44-1403 Uses

A. Permitted and special uses. The permitted and special uses for development in the GAP Neighborhood are listed in Table 1403B (GAP Districts – Permitted and Special Uses).

(1) Unlisted Similar Use. If a use is not listed, but is similar in nature and impact to adjacent properties, the City may interpret the use as appropriate.
(2) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to adjacent properties, it shall only be permitted with special use approval or through amending the code.
(3) Location of Uses. Each use shall be located within a permitted building type, unless otherwise specified.

B. Specific standards.
(1) General Development Standards. All development shall adhere to the following standards:
(a) § 44-1405 and § 44-1406 - Building Type regulations.
(b) § 44-1407 - Parking & Access Standards.
(c) § 44-1408 - Landscape Standards.
(2) Special Uses. Uses listed as a special use ("S") follow the administrative procedures outlined in § 44-1707.
(3) Specific Development Standards. The following details specific use standards.
(a) ~~Churches, Synagogues, Temples, Religious Facilities~~ Places of Worship, Community Centers, Museums and Cultural Institutions ~~Activities~~, Libraries, Police and Fire Stations, and Post Offices are the only uses permitted to occur in the Iconic Building. See § 44-1406D for more details.
(b) Home Occupations. Home occupations are subject to the standards detailed in § 44-1020.
(c) Parking Lots. Parking lots, when located on a lot without a building type and as the lot's sole use, require a special use permit.
(d) GAP 3 Special Uses. A number of special uses listed in the GAP 3 district.
[1] These uses are noted in Table 1403B as "SM."
[2] These special uses may only be considered for GAP 3 lots with Market Street frontage (share a property line with the Market Street right- of-way line).
(4) GAP 6. The permitted uses in GAP 6 are the same as those in the M1 district detailed in Chapter 44, Article 6, however, when developed within GAP 6 the development size cannot exceed 12,000 square feet.

Table 1403B: GAP Districts - Permitted and Special Uses

	GAP 1	GAP 2	GAP 3	GAP 4	GAP 5	GAP 6
PUBLIC ASSEMBLY USES						
Bars and Taverns					X	
Billiard or Pool Halls					X	
Bowling Establishments					X	
~~Churches, Synagogues, Temples, & Religious Facilities~~ Place of Worship			S	S	X	
Community Center					X	
Museums and Cultural ~~Activities~~ Institutions			SM		X	

Table 1403B: GAP Districts - Permitted and Special Uses						
	GAP 1	GAP 2	GAP 3	GAP 4	GAP 5	GAP 6
Delicatessens					X	
Eating & Drinking Establishments					X	
Libraries			SM		X	
Parks & Playgrounds	X	X	X	X		
~~Penny Arcade~~ Entertainment and Exhibition Venues					X	
Police & Fire Station					X	
Post Office					X	
EDUCATION SERVICES						
Nursery & Pre-Schools					X	
INSTITUTIONAL USES						
Independent Living Facility					X	
Nursing Home					~~X~~	
Child/Day Care		S	S	S	X	
~~Halfway House~~ Group Homes for Parolees	S	S	S	S	S	
Agency-Operated Family/Group Homes	S	S	S	S	S	
RESIDENTIAL USES						
Dwelling, Single-Family	X	X	X	X		
Dwelling, Two-Family	X	X	X	X		
Dwelling, Multiple-Family	X	X	X	X	X	
Dwelling Unit, Accessory ~~Family~~	X	X	X	X		
~~Upper Story Residential~~ Live/Work Units					X	
Bed & Breakfast Establishments	S	S	S	S		
STORE & RETAIL USES						
Antique Store					X	
Apparel Shop					X	
Appliance Store					X	
Art Supply & Craft Store					X	
Bakery					X	
4					X	
Cameras & Photographic Supplies & Services					X	
Candy-Confectionary Sales					X	
Cigar & Tobacco Store					X	

Table 1403B: GAP Districts - Permitted and Special Uses						
	GAP 1	GAP 2	GAP 3	GAP 4	GAP 5	GAP 6
Dairy Sales					X	
Dressmaker/Tailor					X	
Drug Store					X	
Electronic Sales					X	
Florist Store					X	
Furniture Store					X	
Garden Supply Store					X	
General Merchandise					X	
Grocery Store/Convenience Store					X	
Hardware Store					X	
Hobby/Toy Shop					X	
Home Decorating Store & Services					X	
Housewares Sales					X	
Jewelry/Watch Shop/Repair					X	
Liquor Stores					X	
Medical Equipment Sales					X	
Music Shop					X	
Shoe Store & Repair					X	
Specialty Good Shops					X	
Sporting Goods Store					X	
Video Sales & Rental					X	
SERVICE & OFFICE USES						
Awning/Tent/Canvas Products Rental/Sales					X	
Banking & Financial Services					X	
Barber/Beauty Shop & Spa/Salon					X	
Dental, Medical & Health Services					X	
Laundromat or Dry Cleaner-No on-site processing					X	
Funeral Home			SM		X	
Health Club					X	
Professional Office Uses			SM		X	
Real Estate Services			SM		X	
Travel Agency			SM		X	

Table 1403B: GAP Districts - Permitted and Special Uses						
	GAP 1	GAP 2	GAP 3	GAP 4	GAP 5	GAP 6
Vehicle Supply (No Service)					X	
INDUSTRIAL & MANUFACTURING USES						
M1 District Uses						X
MISCELLANEOUS						
Parking Lot			S	S	S	S

Notes:
"X" - Permitted Uses
"S" - Special Uses
"SM" Special Uses Allowed in GAP 3 for Parcels with Market Street Frontage

C. Accessory structures. Within the boundaries of the GAP Neighborhood, accessory structures and buildings will follow the standards in § 44-908 unless otherwise noted below.
   (1) Location on a Lot. An accessory building or structure shall conform to the following location requirements:
      (a) Location. Accessory buildings and structures may be constructed in the rear and side yards.
      (b) Location on Corner Lots. On corner lots, accessory buildings and structures are permitted in the corner side yard build-to zone, but may not extend closer to the corner side property line than the principal structure.
      (c) Setback. Accessory building or structures shall be constructed according to the following:
         [1] Accessory buildings and structures shall be set back a minimum of three (3) feet from any property lines.
         [2] Two (2) story accessory buildings shall be set back five (5) feet from property lines.
   (2) Height. Single story accessory buildings and structures shall be a maximum of fourteen (14) feet in height, except detached garages may be up to two stories with a maximum height of twenty-eight (28) feet.
   (3) Lot Coverage Requirements. All accessory buildings and structures must meet the maximum building and impervious coverage requirements detailed within each building type.

44-1404 ~~Building~~ Development Standards

A. Building Types. The following outlines the building types permitted in the GAP Neighborhood. Refer to Table 1404A (Building Types Summary Table) for more details.
   (1) Commercial Building. This building type allows the development of commercial uses, such as retail and service uses on the ground story and office and residential uses on the upper floors. It can range in height between one (1) and four (4) stories and is constructed within a small build-to zone with parking located in the rear yard.

(2) Cottage Commercial. This building type allows the same uses as the Commercial Building. The primary differences between the two are the cap type, which is pitched; the build-to zone, which is larger; and the height, which is a maximum of two and a half (2.5) stories.
(3) Warehouse Building. This building type allows for the construction of limited industrial uses on a small scale. Located in a build-to zone that is slightly set back from the front property line, this building type offers a flexible configuration. It allows for both a typical industrial warehouse building and an optional office or administration building on the front.
(4) Iconic Building. This building type allows for the development of community, cultural, civic, or government uses, such as a church and other religious assembly uses. Constructed in a build-to zone set back slightly from the front property line, it blends with the other building types within the neighborhood. It also allows for distinct features such as a spire.
(5) House. This building type allow for residential uses. It is located with a small build-to zone set in from the front property line. It ranges in height between one (1) and two and a half (2.5) stories.
(6) Estate House. Like the House, the Estate House allows for the development of the residential uses. It differs in its build-to zone, which is larger and set back further from the front property line, and its height, which can be as tall as three (3) stories.
(7) Manor Multiple-Family. This building type allows for two or more residential units to be developed within it. Manor Multiple-Family is similar to the House, but is typically located on a slightly larger lot to allow room for parking multiple owners' vehicles.
(8) Rowhouse. This residential building type, unlike previous types, allows for three (3) to five (5) single family residential units to be attached or joined together along the side walls. The height and set back from the front property line are similar to the House and Manor Multiple-Family allowing it to blend in with these building types.
(9) Apartment Building. This building type allows the development of three (3) or more units within it. The Apartment Building ranges in height between two (2) and four (4) stories and is constructed with the parking in the rear yard.

Table 1404A(10): Building ~~Types~~ Siting Summary Table

	Street Frontage				Side & Rear Yard Setbacks		Buildable Area		
	Front Yard BTZ (feet)	Corner Side Yard BTZ (feet)	Coverage of Front Property Line (Minimum)	Encroachment of Enclosed Porch, Stoop, or Steps	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Maximum Building Coverage	Maximum Impervious /Semi-Pervious Coverage	Minimum Lot Width (feet)
Commercial, Industrial, & Civic Buildings									
Commercial Building	0 to 5	0 to 5	95%	Permitted	0	5		100%	25
Cottage Commercial	5 to 15	0 to 10	60%	Permitted	5	5		65% + 15%	40
Warehouse Building	7.5 to 15	7.5 to 15	40%	Permitted	5	5		80% + 10%	50

Table 1404A(10): Building ~~Types~~ Siting Summary Table

	Street Frontage				Side & Rear Yard Setbacks		Buildable Area		
	Front Yard BTZ (feet)	Corner Side Yard BTZ (feet)	Coverage of Front Property Line (Minimum)	Encroachment of Enclosed Porch, Stoop, or Steps	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Maximum Building Coverage	Maximum Impervious /Semi-Pervious Coverage	Minimum Lot Width (feet)
Commercial, Industrial, & Civic Buildings									
Iconic Building	10 to 25	10 to 25	Does Not Apply	Permitted	5	5		60% + 20%	50
Residential Buildings									
House	7.5 to 17	5 to 15	Does Not Apply	Permitted	5	5	45%	55% + 5%	40
Estate House	25 to 45	5 to 15	Does Not Apply	Permitted	5	5	30%	40% + 5%	50
Manor MF	10 to 25	5 to 15	Does Not Apply	Permitted	5	5	45%	55% + 10%	50, 40 on corner lots or lots with alley access
Rowhouse	7.5 to 15	7.5 to 15	Does Not Apply	Permitted	5	5	45%	80% + 10%	18
Apartment Building	7.5 to 20	7.5 to 20	75%	Permitted	5	5		70% + 15%	50

Table 1404A(11): Building ~~Types~~ Development Criteria Summary Table

	Parking & Loading		Building Height	
	Location of Parking Facilities (yard)	Number of Permitted Cub Cuts	Minimum Principal Building Height (stories)	Maximum Principal Building Height (stories)
Commercial, Industrial, & Civic Buildings				
Commercial Building	Rear; cannot extend into BTZs beyond principal building	1/lot, if no alley	1	3; 4 if upper stories are setback from front façade
Cottage Commercial	Rear; cannot extend into BTZs beyond principal building	1/lot, if no alley	1	2.5
Warehouse Building	Rear & Side; cannot extend into BTZs beyond principal building	1/lot or 1/street frontage	1	3
Iconic Building	Rear & Side; cannot extend into BTZs beyond principal building	1/street frontage	1	3
Residential Buildings				

Table 1404A(11): Building ~~Types~~ Development Criteria Summary Table

	Parking & Loading		Building Height	
	Location of Parking Facilities (yard)	Number of Permitted Cub Cuts	Minimum Principal Building Height (stories)	Maximum Principal Building Height (stories)
Commercial, Industrial, & Civic Buildings				
House	Rear; cannot extend into BTZs beyond principal building	1/lot, if no alley	1	2.5
Estate House	Rear; cannot extend into BTZs beyond principal building	1/lot, if no alley	1.5	3
Manor MF	Rear; cannot extend into BTZs beyond principal building	1/lot, if no alley	2	2.5
Rowhouse	Rear; cannot extend into BTZs beyond principal building	1/lot, if no alley	1.5	2.5
Apartment Building	Rear & Side; cannot extend into BTZs beyond principal building	1/lot, if no alley	2	3; 4 if upper stories are setback from front façade

Table 1404A(12): Building ~~Types~~ Façade Requirements Summary Table

	Transparency		Entrance	Cap & Base Type	
	Minimum Upper Story Front & Corner Side Façade Transparency	30% of Any Floor May Exist Without Fenestration	Principal Entrance Location	Allowable Cap Types	Allowable Base Types
Commercial, Industrial, & Civic Buildings					
Commercial Building	20%	Applies	Front or Corner Side Façade	Parapet & Tower	Storefront
Cottage Commercial	20%	Applies	Front or Corner Side Façade	Pitch & Tower	Shopfront, Porch, & Stoop
Warehouse Building	20% (of office/admin building only)	Does Not Apply	Front or Corner Side Façade	Parapet, Pitch, Low Pitch, & Tower	Shopfront & Stoop (on office/admin building only)
Iconic Building		Does Not Apply	Front or Corner Side Façade	Parapet, Pitch, Low Pitch, Tower, & Spire	Stoop
Residential Buildings					
House	15%	Applies	Front. Corner Side and Side Façade	Pitch, Low Pitch, & Tower	Stoop, Porch, & Enclosed Porch
Estate House	15%	Applies	Front. Corner Side and Side Façade	Pitch, Low Pitch, & Tower	Stoop, Porch, & Enclosed Porch
Manor MF	15%	Applies	Front or Corner Side Façade	Pitch, Low Pitch, & Tower	Stoop, Porch, & Enclosed Porch
Rowhouse	15%	Applies	Front. Corner Side and Side Façade	Parapet, Pitch, & Tower	Stoop, Porch, & Enclosed Porch

Table 1404A(12): Building ~~Types~~ Façade Requirements Summary Table					
	Transparency		Entrance	Cap & Base Type	
	Minimum Upper Story Front & Corner Side Façade Transparency	30% of Any Floor May Exist Without Fenestration	Principal Entrance Location	Allowable Cap Types	Allowable Base Types
Commercial, Industrial, & Civic Buildings					
Apartment Building	20%	Applies	Front or Corner Side Façade	Parapet, Pitch, & Tower	Stoop & Porch

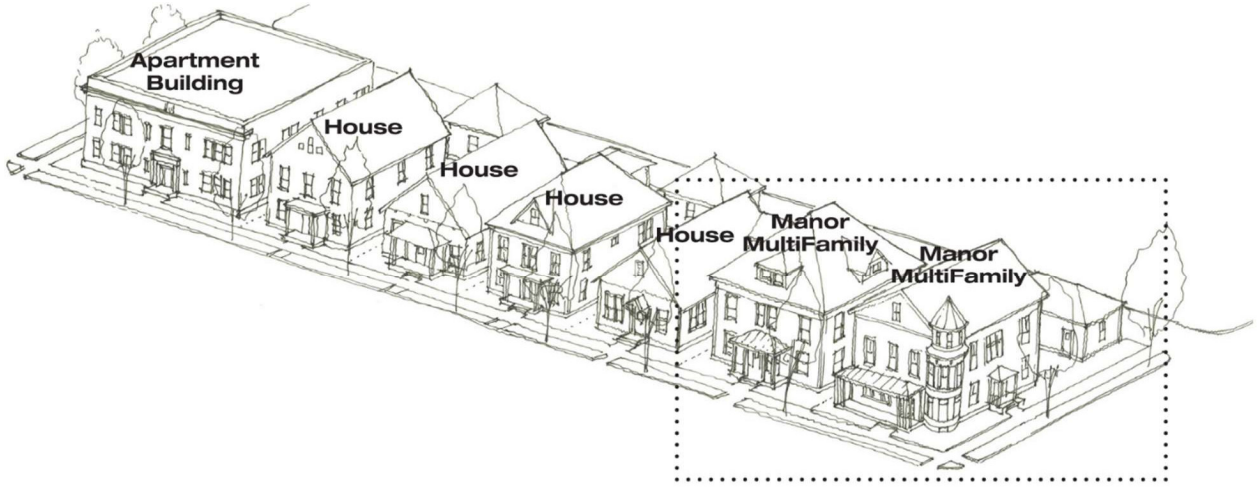
B. Development of building types. Figure 1404B illustrates how these buildings may be constructed on a typical block, on corner lots, and mid-block lots. Street design should result in the interaction of building types in order to create a street wall. Maintaining façade transparency adds visual interest as well as a sense of "eyes on the street." Adding to the sense of safety is the presence of welcoming entrances (either porches or stoops). Wherever possible, alleys should be implemented to access garages or parking lots.

Figure 1404B: Typical Block

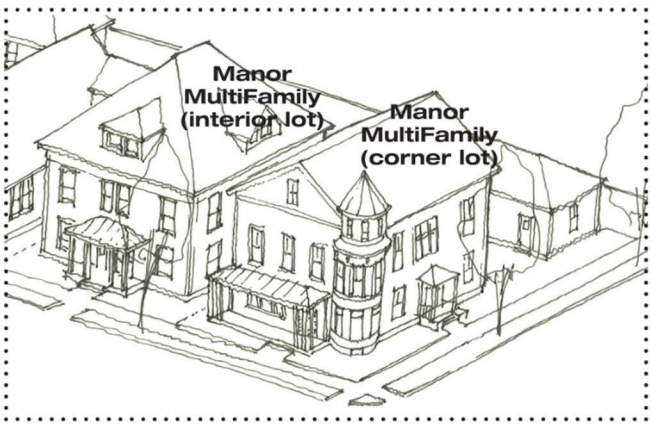
Apartment Building.
This building type blends in with the block by having a front entrance and a considerable amount of transparency on the front facade, similar to the other residential building types. The corner parcel allows for additional building entrances on the corner side facade.

House.
This building type may be utilized either on mid-block or corner lots. Its height falls between 1 and 2.5 stories.

Manor Multiple-Family (MF).
Similar in appearance to a house or estate building type, the manor multifamily building type consists of two or more units.



Manor Multiple-family on Interior Lots.
The use of this building type on a parcel not located on a corner requires a wider lot in order to allow room for additional entrances on the side or rear facades and adequate parking to the rear.



Manor Multiple-Family on Corner Lots.
When this building type is located on a corner parcel, it is preferable to use the corner side facade for additional building entrances. On any corner building, elements such as turrets (shown above) should be utilized to catch the attention of passers-by and draw them down the block.

44-1405 Building Type Requirements

A. Building Base Type.
   (1) Intent. To guide the design of the ground floor of all buildings to relate appropriately to pedestrians on the street.
   (2) Applicability. The entire ground floor front facade must meet the requirements of at least one of the base types permitted for the building type.

B. Building Base Type Requirements. The following details the base type requirements. Refer to each Building Type for permitted base types.

(1) Storefront Base Type. (Refer to Figure 1405B(1))

(a) Transparency. A minimum of 75% of the front facade between two (2) and eight (8) feet above the sidewalk must be comprised of transparent, non-reflective windows into the commercial space.

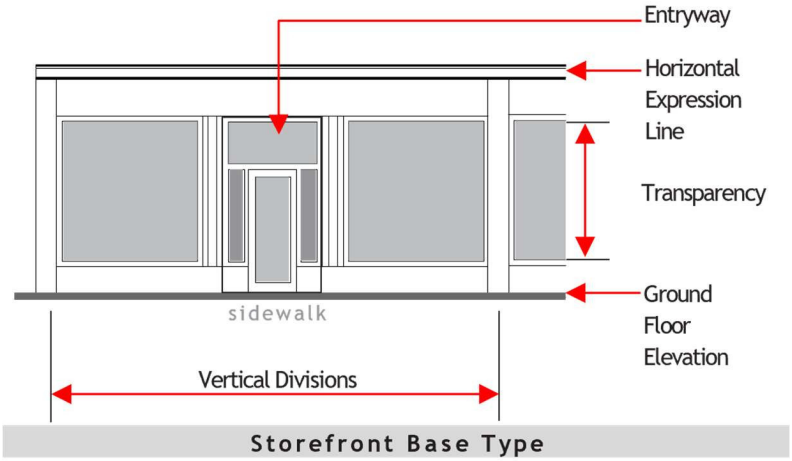
(b) Ground Floor Elevation. Ground floor elevation must be between zero (0) and one (1) feet above sidewalk.

(c) Vertical Division. Base facade shall be vertically divided into segments no greater than thirty (30) feet in width.

(d) Horizontal Expression Line. A horizontal expression line shall define the base from the upper floors of the building.

(e) Entryway. All entries shall be recessed a minimum of three (3) and a maximum of eight (8) feet deep, and be a width no greater than eight (8) feet.

Figure 1405B(1): Storefront Base Type



(2) Shopfront Base Type. (Refer to Figure 1405B(2))

(a) Transparency. A minimum of 50% of the front facade between three (3) and nine (9) feet above the sidewalk must be comprised of transparent, non-reflective windows into the commercial space.

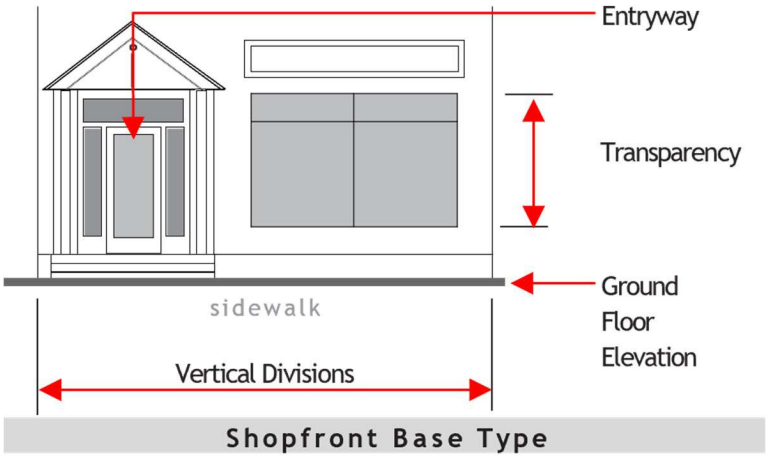
(b) Ground Floor Elevation. Ground floor elevation must be between zero (0) and three (3) feet above sidewalk. With a visible basement, a maximum of four and a half (4.5) feet is permitted.

(c) Vertical Divisions. For buildings wider than fifty

(d) (50) feet, base facades shall be vertically divided into segments no greater than thirty (30) feet in width.

(e) Entryway. Porch or enclosed porch entrance required. Porch shall be a minimum of four (4) feet deep and four (4) feet wide.

Figure 1405B(2): Shopfront Base Type



(3) Arcade Base Type. (Refer to Figure 1405B(3))

(a) Public Walkway. Provide an open-air public walkway from the face of the building recessed into the building a minimum of eight (8) and a maximum of fifteen (15) feet.

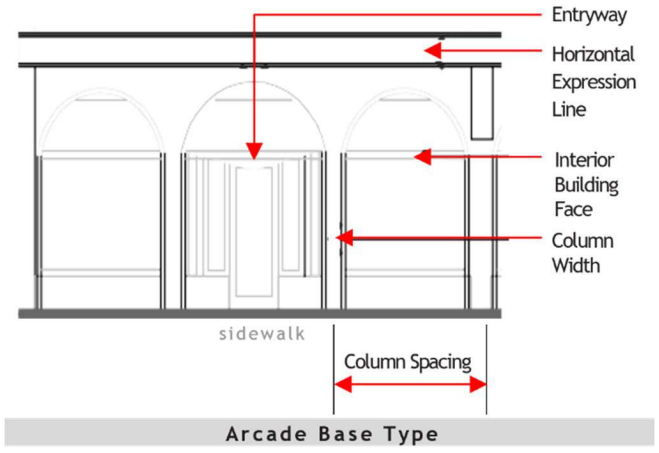
(b) Storefront. Building face inside arcade must meet the requirements of the storefront base type.

(c) Columns. Columns shall be spaced a minimum of ten (10) and a maximum of twelve (12) feet and be a minimum 1'-8", maximum 2'-4" in width.

(d) Arcade Openings. Opening may not be flush with interior arcade ceiling and may be arched or straight.

(e) Horizontal Expression Line. A horizontal expression line shall define the arcade base from the upper floors of the building.

Figure 1405B(3): Arcade Base Type



(4) Stoop Base Type. (Refer to Figure 1405B(4))

(a) Transparency. A minimum of 20% of the entire ground floor and optional visible basement facade must be comprised of transparent, non-reflective windows into the commercial space. An area no greater than 30% of the facade per floor may have no transparency.

[1] When one or more Warehouse Buildings are located on the same lot, only the building closest to the front property line is required to meet this requirement.

[2] Warehouse Buildings are exempt from the maximum area without transparency rule.

[3] Residential building types, except for the Apartment Building, do not have separate ground and upper floor transparency levels. See Figures G-2(a) and G-2(b) for measuring transparency.

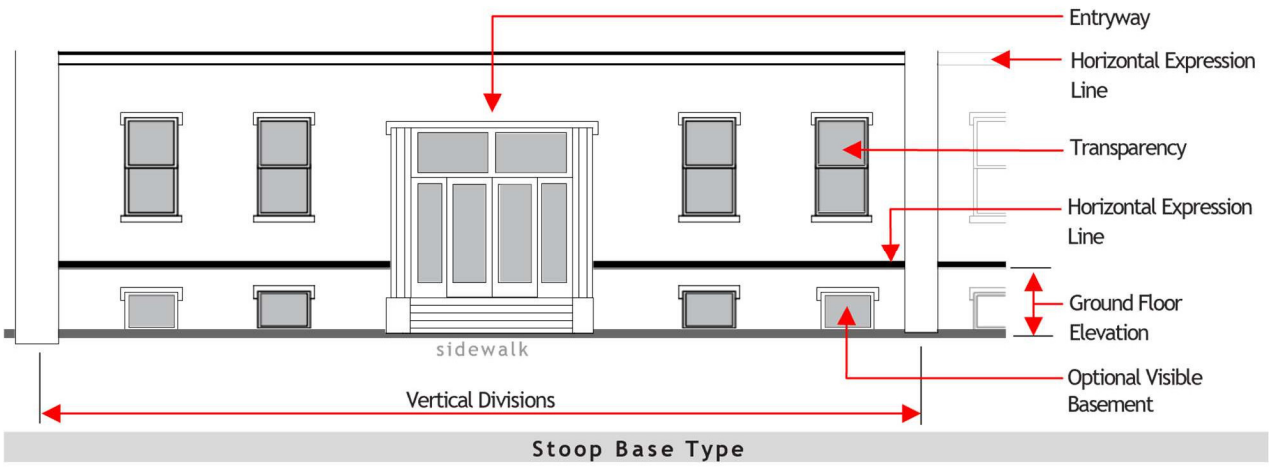
[4] Iconic Buildings are exempt from the stoop's transparency requirements.

(b) Ground Floor Elevation. Ground floor elevation must be located a maximum of 2'-6" above the sidewalk or with a visible basement a maximum of 4'-6" above the sidewalk.

(c) Vertical Division. Base facade for all building types, with the exception of all residential building types, shall be vertically divided into segments no greater than fifty (50) feet in width. Horizontal Expression Line. A horizontal expression line shall define the base from the visible basement and upper floors, except on residential and the Warehouse building types.

(d) Entryway. Stoops (raised, un-roofed, open platforms) shall be a minimum of three (3) feet deep and four (4) feet wide.

Figure 1405B(4): Stoop Base Type



(5) Porch Base Type. (Refer to Figure 1405B(5))

(a) Transparency. A minimum of 20% of the entire ground floor and optional visible basement facade must be comprised of transparent, non-reflective windows into the commercial space.

[1] An area no greater than 30% of the facade per floor may have no transparency.

[2] Residential building types, except for the Apartment Building, do not have separate ground and upper floor transparency levels. See Figures G-2(a) and G-2(b) for measuring transparency.

(b) Ground Floor Elevation. Ground floor elevation must be located a maximum of 2'-6" above the sidewalk and with a visible basement, a maximum of 4'-6" above the sidewalk.

(c) Vertical Division. Base facade for all building types, except residential and the Warehouse Buildings, shall be vertically divided into segments no greater than sixty (60) feet in width.

(d) Horizontal Expression Line. A horizontal expression line shall define the optional visible basement from the ground floor of the building for all building types, with the exception of all residential building and Warehouse Building types.

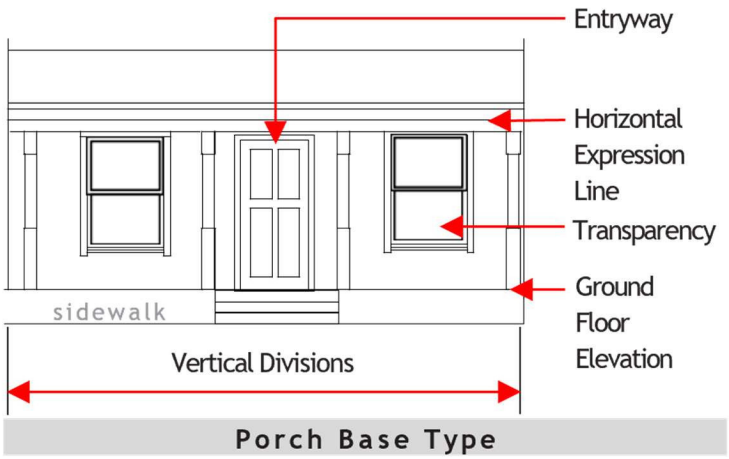
(e) Entryway. All entries shall be located off a porch (a raised, roofed platform).

[1] The porch shall be a minimum of (5) feet deep and (8) feet wide.

[2] If enclosed, a minimum of 40% of the enclosed porch must be comprised of transparent, non- reflective windows.

(f) Height. Porch may be two stories to provide a balcony on the second floor.

Figure 1405B(4): Porch Base Type



C. Building Cap Type.

(1) Intent. To guide the design of the cap of all buildings where a consistent character is desired.

(2) Applicability. All buildings must meet the requirements of at least one of the cap types permitted for the building type.

D. Building Cap Type Requirements. The following details the base type requirements.

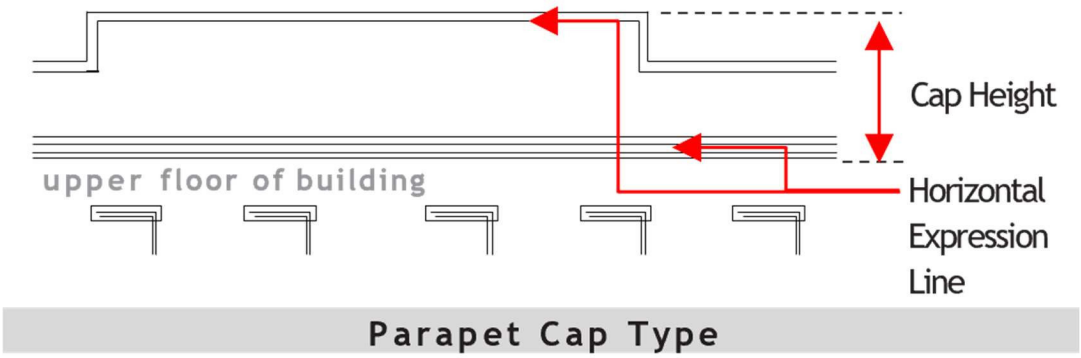
(1) Parapet Cap Type. (Refer to Figure 1405C(1))

(a) Height. Minimum cap height from the top of the upper floor to the top of the parapet is two (2) feet, maximum is six (6) feet. The cap shall be high enough to screen the roof and any roof appurtenances from view of any adjacent building of similar height.

(b) Horizontal Expression Line. Horizontal expression lines shall separate the cap from the upper floors of the building and shall define the top of the cap.

(c) Use. Occupied space may not be incorporated behind this cap type.

Figure 1405C(1): Parapet Cap Type



(2) Pitched Roof Cap Type. (Refer to Figure 1405C(2))

(a) Pitch. Pitched roof cap type may not be sloped less than a 6:12 (rise:run) or more than 12:12. Except in the following cases:

[1] Roofs located above a second story, except on Iconic Buildings, are permitted to have a pitch as low as 4:12.

[2] Pitched roofs on a tower are permitted to have a pitch steeper than 6:12.

(b) Roof Types: The following are permitted roof types:

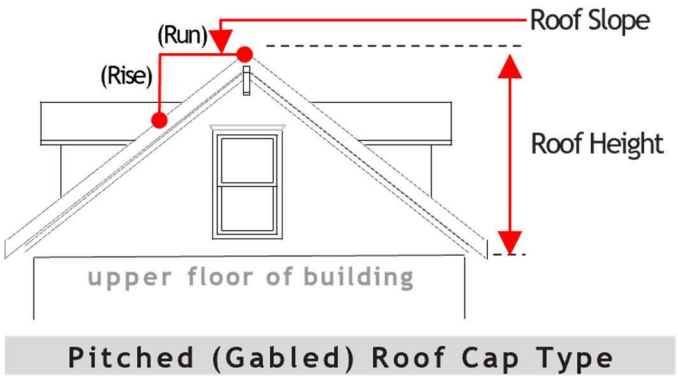
[1] Hipped, gabled, and combination of hips and gables with or without dormers are acceptable.

[2] Gambrel roofs are acceptable. If the ridge runs parallel to the street, one dormer per fifteen (15) feet of street face shall be included.

[3] Mansard roofs are acceptable but must include one dormer per fifteen (15) feet of street face.

(c) Height. Roof height may not be greater than the total of all floors below the roof.

Figure 1405C(2): Pitched Roof Cap Type



(3) Towers. (Refer to Figure 1405C(3)) One (1) tower is permitted per building as follows:
   (a) Height. Maximum tower height from the top of the parapet or eave to the top of the tower is the equivalent of the height of one (1) upper floor of the building to which the tower is applied.
   (b) Width. Maximum tower width from the front, corner side, side, and rear facade is one-third (1/3) the width of the front facade or thirty (30) feet, whichever is less.
   (c) Horizontal Expression Line. Horizontal expression lines shall separate the tower from the upper floors of the building, except on residential building types.
   (d) Use. Towers may be occupied by the same uses allowed in upper floors of the building type to which it is applied.
   (e) Tower Cap. Allowable cap types are parapet and pitched roof on the top of the tower element.

Figure 1405C(3): Tower Cap Type

(4) Spire. (Refer to Figure 1405C(4)) Spires are permitted only on Iconic Buildings.
   (a) Height. Maximum spire height from the top of the tower to the top of the spire is thirty (30) feet, including any decorative elements atop the apex of the spire.
   (b) Width. Maximum spire width is one-half (1/2) the width of the tower on which it is situated.
   (c) Use. Spires may not be occupied; they are a decorative element.

Figure 1405C(4): Spire Cap Type

E. Building Type Transparency, Height, & Coverage
   (1) Intent. The parameters outlined in this section detail how to measure the transparency of a structure.
   (2) Defining Transparency. Transparency is the degree, measured as a percentage, to which a facade has clear, transparent windows on each story.
      (a) Tints, Films, & Mirrored Surfaces. Windows with tints, films, and mirrored surfaces detract from the level of transparency and are not included in the measurement.
      (b) Measurement. The transparency measurement is taken inside the window frame, excluding the frame from the calculation.
   (3) Measuring Transparency.
      (a) Arcades, Storefronts, & Shopfront Buildings. (Refer to Figure G-2(a)).
         [1] Transparency Measured by Floor. On buildings with an arcade, storefront, or shopfront base types transparency is measured as a percentage of the ground story transparency and the upper story transparency. The residential building type Apartment Buildings are also measured using this method.
         [2] Ground Story. The ground story transparency is measured on the facade between two (2) feet and eight (8) feet above sidewalk level on arcades and storefronts, between three (3) and nine (9) feet for shopfronts. Refer to the building type standards for the minimum percentage.

[3] Upper Story. The upper story transparency level of these buildings is measured from floor to floor. Refer to the building type standards for the minimum percentage.

(b) Porch, Enclosed Porch, or Stoop Residential Buildings. (Refer to Figure G-2(b) Measuring Transparency.)

[1] Transparency Measured by Facade. On residential buildings with a porch, enclosed porch, and stoop base type except the Apartment Building, transparency is measured as a percentage of the facade and not by story.

[2] Ground and Upper Stories. Transparency is measured along the full facade, including the facade of a story located within the roof structure. Refer to the building type standards for the minimum percentage.

(4) Measuring Height. The parameters outlined in this section detail how to measure the height of a structure.

(a) Height is Measured in Stories. Each Building Type includes a provision listing the number of permitted stories, typically in a range of stories.

(b) Half-Stories. Half stories are located completely within the roof structure.

(c) Floor to Floor Height. Each Building Type includes a permitted range of height for each story.

[1] This is measured in feet, between the floor of a story to the floor of the next story.

[2] The exceptions for this measurement are for single story buildings and the uppermost story of a multiple story building. Single story buildings and the uppermost story of multiple story buildings shall be measured from the floor of the story to the ceiling.

(5) Measuring Coverage. The parameters outlined in this section detail how to measure the height of a structure.

(a) Intent. To limit the quantity of pavement and other impervious surfaces within the GAP Neighborhood.

(b) Building Coverage. The percentage of a lot covered by structures, principal and accessory.

(c) Impervious Lot Coverage. The percentage of a lot covered by buildings (principal and accessory) pavement, and other impervious materials that prevent at least 40% absorption of water into the ground or plant material.

44-1406 Building Types

A. Commercial Building.

(1) Building Siting.

(a) Street Frontage.

[1] A minimum of 95% of the length of the front build-to zone must be occupied by building. The intersection of the front and corner side build-to zones (the corner) must be occupied by building.

[2] Front and corner side building facades must be constructed within a build-to zones located from the property line five (5) feet into the site.

[3] Eaves and upper floor bays, balconies, and awnings are permitted to extend over the front and corner side property lines to within five (5) feet of the

curb, maintaining a minimum of ten (10) feet height clearance along public sidewalk.

(b) Side & Rear Yard Setbacks.

[1] Side yard setback is not required.

[2] Rear yard setback shall be a minimum of five (5) feet.

(c) Buildable Area.

[1] Maximum impervious site coverage shall be 100%.

[2] Minimum lot width is twenty-five (25) feet.

(d) Off-Street Parking & Loading.

[1] Parking is permitted in the rear yard.

[2] All loading facilities shall be located on the rear facade.

(e) Driveways & Access.

[1] If no alley exists, one (1) driveway per lot is permitted.

[2] Driveway location shall be at least fifty (50) feet from the intersection of the front and corner side property lines.

[3] Shared driveways are encouraged.

(2) Height & Use Requirements.

(a) Building & Floor Heights.

[1] Building height shall be a minimum of one (1) story and a maximum of three (3) stories. Up to four (4) stories in height are permitted, if the upper stories are set back a minimum of seven (7) and a maximum of fifteen (15) feet.

[2] Allowable ground floor height is a minimum of fifteen (15) feet, maximum thirty (30) feet, as measured from floor to floor. When the ground floor is twenty (20) feet or more in height, it shall count as two (2) stories in terms of measuring the overall building height.

[3] Allowable upper floor height is a minimum of nine (9) feet, maximum of fourteen (14) feet, as measured from floor to floor.

[4] Accessory buildings shall not exceed the height of the principal building on the lot.

(b) Uses.

[1] Specific use information can be found in § 44-1403.

[2] Parking is permitted internally in the rear of the building; a minimum of thirty (30) from the front facade of the ground floor must be occupied by a permitted use other than parking.

(3) Façade Requirements.

(a) Transparency.

[1] A minimum of 20% of the upper story front facade, measured floor to floor shall have transparent, non-reflective windows.

[2] An area no greater than 30% of the front and side facade per floor may have no transparency.

(b) Building Entrance.

[1] The building's principal entrance must be on the front or side building facade. Entrances at the corner of a building satisfy this requirement.

[2] Provide a minimum of one (1) entrance for every seventy-five (75) feet of building frontage on the front facade

(c) Allowable Cap & Base Types.

[1] Allowable Cap Type is the parapet and tower.
[2] Allowable Base Type is the storefront.

B. Cottage Commercial ~~Building~~

(1) Building Siting.

(a) Street Frontage.

[1] A minimum of 60% of the length of the front build-to zone must be occupied by a building. The intersection of the front and corner side build-to zones (the corner) must be occupied by building.

[2] Front building facade must be constructed within a build-to zone located between five (5) and fifteen (15) feet from the front property line.

[3] Corner side building facades must be constructed within a build-to zone located ten (10) feet into the site.

[4] Eaves and upper floor bays, balconies, and awnings are permitted to extend over the side property line to within five (5) feet of the curb, maintaining a minimum of ten (10) feet height clearance along public sidewalk.

[5] Porches, stoops, and stairs may encroach into the front and corner side build-to zones.

(b) Side & Rear Yard Setbacks.

[1] Side yard setback shall be a minimum of five (5) feet.

[2] Rear yard setback shall be a minimum of five (5) feet.

(c) Buildable Area.

[1] Maximum impervious site coverage shall be 65%; an additional 15% of the site may be semi-pervious.

[2] Minimum lot width is forty (40) feet.

(d) Off-Street Parking & Loading.

[1] Parking is permitted in the rear yard of a lot.

[2] All loading facilities shall be located on the rear facade.

(e) Driveways & Access.

[1] If no alley exists, one (1) driveway per lot is permitted.

[2] Driveway location shall be at least fifty (50) feet from the intersection of the front and side property lines.

[3] Shared driveways are encouraged.

(2) Height & Use Requirements.

(a) Building & Floor Heights.

[1] Building height shall be a minimum of one (1) story and a maximum of two and a half (2.5) stories.

[2] Allowable ground floor height is a minimum of ten (10) feet, maximum fifteen (15), as measured from floor to floor.

[3] Allowable upper floor height is a minimum of nine (9) feet, maximum of fourteen (14) feet, as measured from floor to floor.

(b) Uses.

[1] Specific use information can be found in § 44-1403.

(3) Façade Requirements.

(a) Transparency.

[1] A minimum of 20% of the upper story front façade, measured floor to floor shall have transparent, non-reflective windows.
[2] An area no greater than 30% of the front and side facade per floor may have no transparency.

(b) Building Entrance.
[1] The building's principal entrance must be on the front or corner side building facade. Entrances at the corner of a building satisfy this requirement.

(c) Allowable Cap & Base Types.
[1] Allowable Cap Type is a pitched roof and tower.
[2] Allowable Base Types are shopfront, porch, and stoop.

C. Warehouse Building

(1) Building Siting.

(a) Street Frontage.
[1] A minimum of 40% of the length of the front build-to zone must be occupied by building. Front and corner side building facades must be constructed within a build-to zones located
[2] between seven and a half (7.5) and fifteen (15) feet into the site.
[3] Front, corner side, and side yards not occupied by building shall be landscaped.

(b) Side & Rear Yard Setbacks.
[1] Side yard setback shall be a minimum of five (5) feet.
[2] Rear yard setback shall be a minimum of five (5) feet.

(c) Buildable Area.
[1] Maximum impervious site coverage shall be 80%; an additional 10% of the site may be semi-pervious.
[2] Minimum lot width is fifty (50) feet.

(d) Off-Street Parking & Loading.
[1] Parking is permitted in the rear and side yards of a lot, but may not extend beyond the face of the principal building into front and corner side build-to zones.
[2] All loading facilities shall be located on the side or rear facade.

(e) Driveways & Access.
[1] If alley access is available, one (1) driveway per lot is permitted.
[2] If alley access is not available, one (1) driveway per street frontage is permitted.
[3] Driveway location shall be at least fifty (50) feet from the intersection of the front and side property lines.
[4] Shared driveways are encouraged.

(2) Height & Use Requirements.

(a) Building & Floor Heights.
[1] Building height shall be a minimum of one (1) story and a maximum of three (3) stories.

[2] Allowable floor height of the office/administration building is a minimum of nine (9) feet, maximum of fourteen (14) feet, as measured from floor to floor.

[3] Allowable floor height of the primary building is a minimum of nine (9) feet and a maximum of fourteen (14) for two (2) or three (3) stories; a minimum of nine (9) feet and a maximum of thirty-six (36) feet when one (1) story.

[4] Accessory buildings shall be no taller than the primary building on the site.

(b) Uses.

[1] Specific use information can be found in § 44-1403.

[2] Parking is permitted internally in the rear of the building; a minimum of thirty (30) from the front facade of the ground floor must be occupied by a permitted use other than parking.

(3) Façade Requirements.

(a) Transparency.

[1] A minimum of 20% of the upper story front façade of the optional office/administration building shall have transparent, non-reflective windows.

[2] No minimum transparency is required for the upper stories of the primary building.

(b) Building Entrance.

[1] The principal entrance is encouraged to be located on the front or side facade. Entrances at the corner of a building satisfy this requirement.

(c) Allowable Cap & Base Types.

[1] Allowable Cap Types are parapet, pitched roof, low pitched roof, and tower.

[2] Allowable Base Types for this building type are:

a. Shopfront or stoop for the optional office/administration building.

b. No required base type for the primary building.

D. Iconic Building

(1) Building Siting.

(a) Street Frontage.

[1] Front and corner side building facades must be constructed within build-to zones located between five (5) and twenty-five (25) feet into the site.

[2] The intersection of the front and corner side build-to zones (the corner) must be occupied by a building.

[3] Porches, stoops, and stairs may encroach into the front and side build-to zones.

[4] Areas not occupied with building along the front, corner side, and side property lines shall be landscaped.

[5] Multiple buildings may be constructed on a single lot; however, the minimum standards within this section ~~Section K~~ must be met.

(b) Side & Rear Yard Setbacks.

[1] Side yard setback shall be a minimum of five (5) feet.

[2] Rear yard setback shall be a minimum of five (5) feet.

(c) Buildable Area.

[1] Maximum impervious site coverage shall be 60%; an additional 20% of the site may be semi-pervious.

[2] Minimum lot width is fifty (50) feet.

(d) Off-Street Parking & Loading.

[1] Parking is permitted in the rear and side yards of a lot, but may not extend beyond the face of the principal building into front and corner side build-to zones.

(e) Driveways & Access.

[1] If alley access is available, one (1) driveway per lot is permitted.

[2] If alley access is not available, one (1) driveway per street frontage is permitted.

[3] Driveway location shall be at least fifty (50) feet from the intersection of the front and corner side property lines.

(2) Height & Use Requirements.

(a) Building & Floor Heights.

[1] Building height shall be a minimum of one (1) story and a maximum of three (3) stories.

[2] Allowable ground floor height.

a. With a one (1) story building, the minimum is fifteen (15) feet, maximum thirty (30) feet, as measured from floor to floor.

b. With a two (2) or three (3) story building, the maximum height for the ground floor is thirty (30) feet and the maximum upper story height is fifteen (15) feet, as measured from floor to floor.

[3] Allowable upper floor height is a minimum of nine (9) feet, maximum of fourteen (14) feet, as measured from floor to floor.

(b) Uses.

[1] Only ~~churches, synagogues, religious assembly~~ Places of Worship, Community or Cultural uses, Libraries, and Government or Civic uses are permitted in an Iconic Building Type.

[2] Additional use information can be found in § 44-1403.

(3) Façade Requirements.

(a) Transparency.

[1] A minimum of 10% of the upper story front façade, measured floor to floor shall have windows.

[2] An area no greater than 30% of the front and side facade per floor may have no transparency.

(b) Building Entrance.

[1] The principal entrance must be located on the front or corner side building facade. Entrances at the corner of a building satisfy this requirement.

(c) Allowable Cap & Base Types.

[1] Allowable Cap Types are parapet, pitched foot, tower, and spire.

[2] Allowable Base Type is stoop.

E. House

(1) Building Siting.

(a) Street Frontage.
[1] Front facade of the principal building must be constructed within a build-to zone, located
[2] between seven and a half (7.5) and seventeen (17) feet into the site from the property line.
[3] Corner side facade of the principal building must be constructed within a build-to zone, located between five (5) and fifteen (15) feet into the site from the property line.
[4] Unenclosed porches, stoops and stairs are permitted to within two (2) feet of the front or side property line.

(b) Side & Rear Yard Setbacks.
[1] Side yard setback for the building shall be a minimum of five (5) feet.
[2] Rear yard setback for the principal building shall be a minimum of five (5) feet.

(c) Buildable Area.
[1] Maximum building coverage shall be 45% of the net site area.
[2] Maximum impervious site coverage shall be 55% of the net site area and an additional 5% of the site may be semi-pervious.
[3] Minimum lot width is forty (40) feet at the front property line.
[4] Minimum lot size is 3,000 square feet.

(d) Parking & Accessory Buildings.
[1] Surface parking and garages are permitted in the rear yard, behind the back facade of the principal building.
[2] Parking and garages are permitted within the corner side yard build-to zone, but may not extend beyond the face on the principal building into this yard.

(e) Driveways & Access.
[1] If no alley exists, one (1) driveway per lot is permitted.

(2) Height & Use Requirements.

(a) Building & Floor Heights.
[1] Building height shall be a minimum of one (1) story and a maximum of two and a half (2.5) stories.
[2] Accessory building height may not exceed the height of the principal structure.
[3] Allowable floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet, as measured from floor to floor.

(b) Uses.
[1] Specific use information can be found in § 44-1403.

(3) Façade Requirements.

(a) Transparency.
[1] A minimum of 15% of the front and the corner side facades shall have transparent, non-reflective windows.
[2] An area no greater than 30% of the front and side facade per floor may have no transparency.

(b) Building Entrance.
[1] The building's principal entrance must be located on the front, corner side, and side facades.

(c) Allowable Cap & Base Types.

[1] Allowable Cap Type is a pitched roof. Towers are permitted on Houses with two (2) or more stories.

[2] Allowable Base Types are stoop, porch, and enclosed porch.

F. Estate House

(1) Building Siting.

(a) Street Frontage.

[1] Front facade of the principal building must be constructed within a build-to zone, located

[2] between twenty-five (25) and forty-five (40) feet into the site from the property line.

[3] Corner side facade of the principal building must be constructed within a build-to zone, located between five (5) and fifteen (15) feet into the site from the property line.

[4] Unenclosed porches, stoops, and stairs are permitted to encroach fifteen (15) feet into the front and side yard setbacks.

(b) Side & Rear Yard Setbacks.

[1] Side yard setback for the principal building shall be a minimum of five (5) feet.

[2] Rear yard setback for the principal building shall be a minimum of five (5) feet.

(c) Buildable Area.

[1] Maximum building coverage shall be 30% of the net site area.

[2] Maximum impervious site coverage shall be 40% of the net site area and an additional 5% of the site may be semi-pervious.

[3] Minimum lot width is fifty (50) feet at the front property line.

[4] Minimum lot size is 7,000 square feet.

(d) Parking & Accessory Buildings.

[1] Surface parking and garages are permitted in the rear yard.

[2] Parking and garages are permitted within the corner side yard build-to zone, but may not extend beyond the face on the principal building into this yard.

(e) Driveways & Access.

[1] If no alley exists, one (1) driveway per lot is permitted.

(2) Height & Use Requirements.

(a) Building & Floor Heights.

[1] Building height shall be a minimum of one and a half (1.5) stories and a maximum of three (3) stories.

[2] Accessory building height may not exceed the height of the principal building.

[3] Allowable floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet, as measured from floor to floor.

(b) Uses.

[1] Specific use information can be found in § 44-1403.

(3) Façade Requirements.

(a) Transparency.
[1] A minimum of 15% of the front and the corner side facades shall have transparent, non-reflective windows.
[2] An area no greater than 30% of the front and side facade per floor may have no transparency.
(b) Building Entrance.
[1] The building's principal entrance must be located on the front, corner side, and side facades.
(c) Allowable Cap & Base Types.
[1] Allowable Cap Type is a pitched roof, low pitched roof, and tower.
[2] Allowable Base Types are stoop, porch, and enclosed porch.

G. Manor ~~MultiFamily~~ Multiple-Family (MF)
(1) Building Siting.
(a) Street Frontage.
[1] Front facade of the principal building must be constructed within a build-to zone, located
[2] between ten (10) and twenty-five (25) feet into the site from the property line.
[3] In GAP 1, the front facade shall be constructed within a build-to zone located between twenty
[4] (20) and thirty-five (35) feet.
[5] Corner side facade of the principal building must be constructed within a build-to zone, located between five (5) and fifteen (15) feet into the site from the property line.
[6] Unenclosed porches, stoops, and their associated stairs are permitted to within five (5) feet of the front or corner side property lines.
[7] Exterior entrances to upper stories are not permitted on the front facade.
[8] Exterior stairs to an upper story may not extend closer to the front property line than the front facade.
(b) Side & Rear Yard Setbacks.
[1] Side yard setback for the building shall be a minimum of five (5) feet.
[2] Rear yard setback for the building shall be a minimum of five (5) feet
(2) Buildable Area.
[1] Maximum building coverage shall be 45% of the net site area.
[2] Maximum impervious site coverage shall be 55% of the net site area and an additional 10% of the site may be semi-pervious.
[3] Minimum lot width is fifty (50) feet at the front property line. A width of forty (40) feet is
[4] permitted on corner lots and lots with alley access only.
[5] Minimum lot size is 3,000 square feet for a two
[6] (2) unit building; an additional five hundred (500) square feet are required for each additional unit.
(b) Parking & Accessory Buildings.
[1] Surface parking and garages are permitted in the rear yard, behind the back facade of the principal building.

[2] Parking and garages are permitted within the corner side yard build-to zone, but may not extend beyond the face on the principal building into this yard.

(c) Driveways & Access.

[1] If no alley exists, one (1) driveway per lot is permitted.

(3) Height & Use Requirements.

(a) Building & Floor Heights.

[1] Principal building height shall be a minimum of two (2) stories and a maximum of two and a half (2.5) stories.

[2] Accessory building height may not exceed the height of the principal building.

[3] Allowable floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet, as measured from floor to floor.

(b) Uses.

[1] Specific use information can be found in § 44-1403.

(4) Façade Requirements.

(a) Transparency.

[1] A minimum of 15% of the front and the corner side facades shall have transparent, non-reflective windows.

[2] An area no greater than 30% of the front and side facade per floor may have no transparency.

(b) Building Entrance.

[1] The principal entrance must be located on the front, corner side, or side facade.

(c) Allowable Cap & Base Types.

[1] Allowable Cap Types are the pitched and low pitched roof, and tower.

[2] Allowable Base Types are stoop, porch, and enclosed porch.

H. Rowhouse

(1) Building Siting.

(a) Street Frontage.

[1] Front and corner side facades of the principal building must be constructed within a build-to zone, located between seven and a half (7.5) and fifteen (15) feet into the site from the property line.

[2] Unenclosed porches, stoops, and stairs are permitted to within two (2) feet of the front or corner side property line.

(b) Side & Rear Yard Setbacks.

[1] A minimum of two (2) and a maximum of five (5) continuous units are permitted to cluster without side yard setbacks.

[2] The interior side of a multi-unit cluster must be set back a minimum of five (5) feet from the side property line.

[3] The rear of the building must be set back a minimum of five (5) feet from the rear property line.

(2) Buildable Area.

[1] Maximum building coverage shall be 55% of the net site area.

[2] Maximum impervious lot coverage shall be 80% of the net lot area and an additional 10% of the site may be semi-pervious.

[3] Minimum lot width is eighteen (18) feet at the front property line per unit.

(b) Parking & Accessory Buildings.

[1] Surface parking and garages are permitted in the rear yard, behind the back facade of the principal building.

[2] Parking and garages are permitted within the corner side yard build-to zone, but may not extend beyond the face on the principal building into this yard.

(c) Driveways & Access.

[1] If no alley exists, one (1) driveway is permitted per set/cluster of rowhouses.

(3) Height & Use Requirements.

(a) Building & Floor Heights.

[1] Principal building height shall be a minimum of one and a half (1.5) stories and a maximum two and a half (2.5) stories.

[2] Accessory building height may not exceed the height of the principal building.

[3] Allowable floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet, as measured from floor to floor.

(b) Uses.

[1] Specific use information can be found in § 44-1403.

[2] Parking is permitted internally in the rear of the building; a minimum of fifteen (15) feet from the front facade of the ground story must be occupied by a permitted use other than parking.

(4) Façade Requirements.

(a) Transparency.

[1] A minimum of 15% of the front and the corner side facades shall have transparent, non-reflective windows.

[2] An area no greater than 30% of the front and side facade per floor may have no transparency.

(b) Building Entrance.

[1] The principal entrance must be located on the front or corner side facade.

(c) Allowable Cap & Base Types.

[1] Allowable Cap Types are the parapet and pitched roof. Towers are permitted only on end units.

[2] Allowable Base Types are stoop, porch, and enclosed porch.

I. Apartment Building

(1) Building Siting.

(a) Street Frontage.

[1] A minimum of 75% of the length of the front build-to zone must be occupied by building.

[2] The intersection of the front and corner side build-to zones (the corner) must be occupied by a building.

[3] Front and side building facades must be constructed within a build-to zones located between seven and a half (7.5) and twenty (20) feet into the site.

[4] Unenclosed porches, stoops, and stairs may encroach into the front and corner side build-to zones.

(b) Side & Rear Yard Setbacks.

[1] Side yard setback shall be a minimum of five (5) feet.

[2] Rear yard setback shall be a minimum of five (5) feet.

(c) Buildable Area.

[1] Maximum impervious site coverage shall be 70% and an additional 15% of the site may be semi-pervious.

[2] Minimum lot width is fifty (50) feet.

(d) Off-Street Parking & Loading.

[1] Parking is permitted in the rear yard of a lot, but may not extend beyond the face of the principal building into the corner side build-to zones.

[2] All loading facilities shall be located on the rear facade.

(e) Driveways & Access.

[1] If no alley exists, one (1) driveway per development is allowed.

[2] In GAP 5, one (1) driveway per street frontage is permitted.

[3] Driveway location shall be at least fifty (50) feet from the intersection of the front and side property lines.

[4] Shared driveways are encouraged.

(2) Height & Use Requirements.

(a) Building & Floor Heights.

[1] Building height shall be a minimum of one (1) story and a maximum of three (3) stories. Up to four (4) stories in height are permitted, if the upper stories are set back a minimum of seven (7) and a maximum of fifteen (15) feet.

[2] Allowable floor height is a minimum of nine (9) feet, maximum of fourteen (14) feet, as measured from floor to floor.

[3] Accessory building height may not exceed the height of the principal building.

(b) Uses.

[1] Specific use information can be found in § 44-1403.

[2] Parking is permitted internally in the rear of the building; a minimum of thirty (30) feet from the front facade of the ground story must be occupied by a permitted use other than parking.

(3) Façade Requirements.

(a) Transparency.

[1] A minimum of 20% of the upper story front facade, measured floor to floor shall have transparent, non-reflective windows.

[2] An area no greater than 30% of the front and side facade per floor may have no transparency.

(b) Building Entrance.

[1] The principal entrance must be located on the front or corner side building facade. Entrances at the corner of a building satisfy this requirement.

[2] Provide a minimum of one (1) entrance for every seventy-five (75) feet of building frontage on the front facade.

(c) Allowable Cap & Base Types.

[1] Allowable Cap Types are the parapet, pitched roof, and tower.

[2] Allowable Base Types are the stoop and porch.

44-1407 Parking & Access Standards

A. General Requirements. Within the boundaries of the GAP Neighborhood, off-street parking shall follow the standards of this section ~~Section Q~~.

(1) Parking Facility Materials. All parking facilities and driveways shall be constructed using asphalt, concrete, or pavers. The use of semi-pervious materials are encouraged whenever appropriate.

(2) Building Type Standards. Each building type includes specific standards for locating parking and loading facilities, as well as the location and quantity of driveways permitted on a lot

B. Off-Street Parking Requirements. Development within the GAP Neighborhood shall adhere to the minimum number of off-street parking spaces listed in Table 1407B.

(1) Required Number of Vehicular Parking Spaces. Refer to Table 1407B for standards specific to the GAP Neighborhood.

(2) Maximum Allowable Vehicles Spaces. No use shall provide more than 10% over the minimum parking required without incorporating at least two (2) of the following mitigating design features, except in House and Estate Buildings:

(a) The surface of all excess parking spaces shall be a semi-pervious surface that allows stormwater to filter naturally into the ground.

(b) The frontage buffer shall be increased in width by 30% and the heavy side/rear buffer shall be used, regardless of the adjacent use.

(c) The interior parking lot landscaping shall be increased by 10% over the minimum requirements.

(3) Shared Vehicular Parking. An arrangement in which two (2) or more nonresidential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.

(a) General Provisions. The City may permit up to 100% of the parking required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice versa.

(b) Approval. In order to approve a shared parking arrangement, the City must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

(c) Description of Uses with Weekday, Nighttime, and Sunday Peak Parking.

[1] The following are considered predominantly weekday uses: office, retail and industrial uses.

[2] The following are typically considered predominantly nighttime or Sunday uses: entertainment, eating and drinking establishments, religious assembly, auditoriums accessory to schools and other similar uses with peak activity at night or on Sundays, as authorized by the City.

(4) Cooperative Vehicular Parking. An arrangement in which two (2) or more categories of uses provide their required off-street parking in the same parking lot, thereby reducing

the number of individual parking lots and the number of curb cuts used to serve the parking lots.

(a) General Provisions. Cooperative parking will be approved in accordance with the following:
    [1] Up to a 20% reduction may be approved when four (4) use categories are involved.
    [2] Up to a 15% reduction may be approved when three (3) use categories are involved.
    [3] Up to a 10% reduction may be approved when two (2) use categories are involved.

(b) Approval. The City must approve the cooperative agreement if any of the uses are not located in the same building.

(c) Location of Cooperative Parking. Any cooperative parking arrangements must be within five hundred (500) feet of the entrance of the use to the closest parking space within the cooperative parking lot, as measured along the shortest pedestrian path.

(d) Required Agreement. An agreement providing for cooperative use of an off-site parking lot, executed by the parties involved, shall be in a form approved by and filed with the City.
    [1] Cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.
    [2] If the agreement is no longer in force, then parking must be provided as otherwise required.

(e) Parking Credits. The minimum off-street parking requirements may be reduced by achieving parking in one or all of the following credits.
    [1] On-Street Parking Credit. On-street parking within five hundred (500) feet of any lot line may be credited to the parking requirement at a rate of one (1) credit for every two (2) on-street parking spaces.
    [2] Public Parking Credit. Public parking within five hundred (500) feet of any lot line may be credited to the parking requirement at a rate of one (1) credit for every three (3) public parking spaces.

(f) Required Number of Bicycle Parking Spaces. A minimum of two (2) spaces are required for each use that requires bicycling parking, unless otherwise stated in Table 1407B.
    [1] Dimensions. Required bicycle parking spaces shall have minimum dimensions of two (2) feet in width and six (6) feet in length.
    [2] Location. Bicycle parking may be located in the following locations:
        a. Required bicycle parking may be located indoors or outdoors, provided it is located on the lot with which it is associated.
        b. Required bicycle parking for residential uses may be provided in garages, storage rooms or other secure areas that are accessible to residents. Spaces in individual dwelling units may not be counted toward bicycle parking requirements.
    [3] Signage. If required bicycle parking for public use is not visible from the street, signs must be posted indicating their location.
    [4] Maintenance and Lighting. Areas used for required bicycle parking must be well lighted and paved, with acceptable drainage to be reasonably free of mud and standing water.

Table 1407B: Off-Street & Bicycle Parking Standards Specific to the GAP Neighborhood		
Use	Required Vehicular Parking Spaces	Required Bicycle Parking Spaces
Public Assembly Uses		
~~Churches, Synagogues, Temples, & Religious Facilities~~ Places of Worship	0.33/Seat	
Libraries	1/400 Sq. Ft.	
Community Centers	0.33/Seat	
Police & Fire Station	0.5/Employee + 1/Office Vehicle	1/10 Vehicular Spaces, minimum of 4 Spaces
Post Office	1/300 Sq. Ft. + 1/Office Vehicle	
Neighborhood Entertainment Uses	0.33 / Seat	
Eating & Drinking Establishments	0.60 / Seat	
Parks ~~& Outdoor Spaces~~ and Recreation Facilities		1/1,000 Sq. Ft. of Land
Education Services		
Nursery & Pre-Schools	1.25/Employee	
Independent / Assisted Living Facilities	0.5/Bed + 1/Employee at Largest Shift	
Nursing Home	0.5/Bed	1/10 Vehicular Spaces, minimum of 4 Spaces
Child / Day-Care	1.35/Employee	
~~Halfway House~~ Group Home for Parolees	1/Employee + 1/5 Beds unless facility residents are not permitted to drive	
Residential Uses		
Dwelling, Single-Family / Two-Family	1/Dwelling Unit	
Dwelling, Multiple-Family: 1 Bedroom	1.25/Dwelling Unit	1/2 Vehicular Spaces (Buildings with 8+ Units Only)
Dwelling, Multiple-Family: 2 Bedrooms	1.5/Dwelling Unit	
Dwelling, Multiple-Family: 3 Bedrooms	1.75/Dwelling Unit	
Dwelling Unit, Accessory ~~Family~~	1/Dwelling Unit	
Bed & Breakfast Establishments	1.25/Room	
Store & Office Uses		
Retail & Service Uses	1/300 sq. ft.	
Office Uses	1/250 sq. ft.	
Garden Center	1/300 sq. ft. of Sales Area	1/10 Vehicular Spaces
Vehicle Supply (No Service)	1/300 sq. ft.	
Funeral Home	.33/Seat + 1/Company Vehicle	
Industrial & Manufacturing Uses		
Craftsman/Limited Industrial	1/Employee at Largest Shift	
Manufacturing/Assembly/ Distribution/Warehousing/ Packing	1/Employee at Largest Shift	

C. Access Requirements. Development of driveways within the GAP Neighborhood shall adhere to the standards in § 44-1206, with the following exceptions and additional provisions.

(1) Quantity and Placement. Refer to the building type standards starting in Section H for information on the quantity of driveways permitted and their appropriate location on a lot.

(a) Driveways shall be no closer than one (1) foot from the property line.

(b) Driveways shall be no closer than five (5) feet from the centerline of a hydrant, light standards, traffic signal, utility pole, or other similar facility.

(2) Dimensions. All Driveways shall have a maximum size of twenty-five (25), measured at the property line, unless otherwise specified below. Refer to Figure Q-3.

(a) Residential Building Types. Building types constructed in GAP 1-4 shall have a maximum curb cut size of twelve (12) feet.

(b) Shared Access. When possible, adjacent developments should share points of access to minimize the vehicular pedestrian conflicts and traffic congestion. This does not apply to development of single-family homes.

(c) Shared Driveway Width. When access is shared between two (2) or more users, a dedicated turn lane may be constructed with the City's permission. This would allow an increase in the maximum driveway up to thirty-two (32) feet.

44-1408 Landscape Standards

A. Parking Lot Frontage Buffer. To lessen the visual impact of vehicular areas visible from the street, the following is required.

(1) Applicability. These requirements apply to all properties in the GAP Neighborhood where a vehicular area is located adjacent to a vehicular right- of-way.

(a) Exceptions. The exceptions to the application of the frontage buffer are:

[1] Single family residences.

[2] Vehicular areas along alleys.

(b) The City may reduce these screening requirements through crediting existing landscaping within the proposed buffer area.

(2) Requirements. These standards are illustrated in Figure R-1.

(a) Depth. The landscape buffer shall consist of an area seven (7) feet in depth between the front and corner side property line and the vehicular area on the parcel with the following exception:

[1] When the parcel is located adjacent to GAP 1-4, the frontage buffer must be located from the face of the adjacent building located the furthest from the front property line. The additional yard between the buffer and the front property line must be landscaped.

(b) Uses and Materials. Uses and materials other than those indicated are prohibited in the buffer.

(c) A medium or large tree must be planted a minimum of every thirty-five (35) or forty (40) feet, respectively within the seven (7) feet of required landscape buffer, located on the street side of the fence.

[1] The spacing of these trees should alternate with street trees so that the final effect is a staggered tree line.

[2] All trees planted in the landscape buffer area shall be large or medium deciduous trees (Refer to § 44-1305 – Plant material requirements).

(d) Fence. A minimum of three (3) and a maximum four (4) feet in height steel or PVC picket fence is required, located two (2) feet from the back of curb of the vehicular area.

[1] No other fence material is permitted.
[2] Fence colors are limited to black, grey, or dark green.
[3] Fence opacity must be no greater than 60%, no less than 30%.
[4] A gate opening of five (5) feet is permitted every one hundred (100) feet.

(e) Hedge. A continuous hedge is required on the street side of the fence, located between required trees and in front of vehicular areas. The hedge must consist of individual shrubs with a minimum width of twenty-four (24) inches, spaced no more than thirty-six (36) inches on center.

(f) Vehicle Overhang. The front or rear bumper overhang of vehicles parked within the vehicular area may encroach upon the required setback up to a maximum distance of two (2) feet.

(g) Access. This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

B. Side and Rear Yard Landscape Buffer. To minimize the impact that one land use may have on a neighboring land use, side and rear yard buffers are required to provide a transition between the uses.

(1) Applicability. Side and rear yard buffers are required as detailed in Table 1404A(10). The City may reduce the buffer requirements through crediting existing landscaping within the proposed buffer area.

(2) Requirements. These standards are illustrated in Figures R-2(c) and R-2(d).

(a) Depth. Side and rear yard buffers are to be installed in an area five (5) feet in depth adjacent to rear and side property lines.

(b) Uses and Materials. Uses and materials other than those indicated are prohibited in the side and rear yard buffer.

(c) Trees. All trees planted in the landscape buffer area shall be small, medium or large trees (Refer to § 44-1305 – Plant material requirements) with at least one medium or large tree planted every forty (40) feet within the five (5) feet of required landscape buffer.

(3) Heavy Buffer Requirement, Fence, and Hedge Combination. Typical buffer requirements for the steel fence and hedge combination are illustrated in Figure R-2(c).

(4) Fence. A minimum six (6) feet in height steel or PVC picket fence is required in conjunction with a continuous hedge.

(a) No other fence material is permitted.
(b) Fence colors are limited to black, grey, or dark green.
(c) Fence opacity must be no greater than 60%, no less than 20%.
(d) A gate opening of five (5) feet is permitted every one hundred (100) feet.

(5) A continuous hedge is required, located between required trees.

(a) The hedge must consist of individual shrubs with a minimum width of twenty-four (24) inches at installation or at maturity within one year, spaced no more than thirty-six (36) inches on center.

(b) A minimum of fifteen (15) shrubs per every one hundred (100) feet of fence is required as needed to achieve continuous hedge.

(6) Light Buffer Requirement. Typical light buffer requirements are illustrated in Figure R-2(d).

(a) A continuous double hedge is required, located between required trees. The double hedge must consist of two rows of individual shrubs with a minimum width of twenty-four (24) inch spaced no more than thirty-six (36) inches on center.

(b) A minimum of thirty (30) shrubs per every one hundred (100) feet of fence is required.

C. Interior Parking Lot Landscaping. To provide shade, minimize paving and improve the aesthetic look of parking lots, the following standards apply.

(1) Applicability. Interior parking lot landscaping is required for all off-street parking areas, regardless of size. The requirements herein apply to all development, except House, Estate House, and Manor Multiple-Family Buildings.

(2) Requirements. Typical parking lot landscaping requirements are illustrated in Figure R-3.

(a) Terminal Ends of Free-Standing Rows. Landscape islands are required at the terminal ends of any free-standing rows or bays of parking. Free-standing rows or bays of parking are those that are not abutting the parking lot perimeter, and can have a single or double row of parking.

(b) Landscape Islands. A landscape island shall be provided every ninth parking space for rows of parking that are more than eight (8) spaces in length. ~~There shall be no more than eight (8) continuous parking spaces in a row without a landscape island.~~

(c) Trees in Landscape Islands. Each landscape island must have one (1) medium or large tree planted within it.

(d) Internal Area Not Dedicated to Parking or Drive. Any space within the parking lot limits that is not dedicated to parking, loading or driveway path shall be landscaped.

[1] One (1) medium or large deciduous tree is required in such spaces for the first one- hundred fifty (150) square feet.

[2] Plus one (1) medium or large tree per each additional six-hundred fifty (650) square feet.

[3] Each parking space must be entirely located within fifty (50) feet of a tree on the interior of the parking lot.

[4] Trees and landscaping located outside of the exterior parking lot, in the side and rear yard buffer, or in the parking lot do not count toward any of the requirements of this section.

(e) Parking Lot Interior. The parking lot interior is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement.

(f) Landscape Median. A landscape median is required in each free-standing bay of parking along the length of the bay of parking.

(g) Curbs. A variety of curb types maybe utilized for interior parking lot landscaped areas.

[1] Permitted types include ribbon, mountable, and slotted curbs.

[2] If curbs are not utilized in the landscape areas, wheel stops are required in each parking stall adjacent to the landscaped area.

D. Screening of Open Storage or Refuse Areas. To reduce the visual impact of open storage or refuse areas from public areas and adjacent properties, the following standards apply.

(1) Applicability. All dumpsters located in GAP 5.

(2) Requirements. Typical open storage or refuse screening illustrated in Figure R-4.

(a) Opaque Screen Wall. An opaque screen wall (vertical structured barrier to visibility at all times such as a fence or wall) is required around three (3) sides of the dumpster and trash bin area.

(b) Screen Wall Height. The height of the screen wall shall be the higher of the following:

[1] The height of the use to be screened,

[2] Six (6) feet, or

[3] A height sufficient in the judgment of the City to accomplish the objective of the screen.

(c) Visible Openings. Openings visible from the public way or adjacent properties must be furnished with opaque gates.

(d) Location within Parking Lot. If refuse area is located within a larger paved area, such as a parking lot, landscape islands must be located on three sides of the area.

[1] One (1) medium or large tree must be located in one of these landscape areas.

[2] This tree, if located within fifty (50) feet of a parking space may be utilized to meet ~~R-3.~~ Interior Parking Lot Landscaping requirements.

E. Screening of Utility Appurtenances. To reduce the visual impact of utility appurtenances from public areas and adjacent properties, the following standards apply.

(1) Applicability. These standards apply to all districts.

(2) Requirements.

(a) Large Private Mechanical Equipment. Private mechanical equipment visible from the right-of- way and that is equal to or greater than four (4) feet in height and is equal to or greater than six (6) feet in any one direction shall be fenced with opaque wood or masonry on all sides facing the right-of-way.

(b) Small Private Mechanical Equipment. Private mechanical equipment smaller than four (4) feet in height shall have landscape screening and shrub bed containing shrubs spaced no more than thirty-six (36) inches on center.

(c) City Review. Utility appurtenances located adjacent to right-of-way shall be reviewed by the City for required screening.