



AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE STREET; BLOOMINGTON, IL 61701
WEDNESDAY, OCTOBER 17, 2018, at 4:00 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. MINUTES** Consideration, review and approval of Minutes from the September 19, 2018 meeting.
- 5. REGULAR AGENDA**
 - A. Z-20-18** Consideration, review and action of a petition submitted by Jason Taylor requesting a variance for the following: 1) an accessory structure greater than 1000 sf., a 200 sqft increase; and 2) an accessory structure greater than the principle building, a 168 sqft increase; and 3) an accessory structure exceeding 14 ft in height, a 4.5 foot increase, to construct a garage at 1517 W. Graham St. (Ward 7)
 - B. Z-21-18** Consideration, review and action of a petition submitted by Amber Rogers & Bobby Heinrich for a variance to allow 2' increase in fence height in the front yard, from the required 4 foot fence height at 1015 W MacArthur Ave. (Ward 6)
 - C. Z-22-18** Consideration, review and action on a recommendation to the Planning Commission on the proposed text and map amendments to the Zoning Ordinance, Chapter 44, Division 9 of the Bloomington City Code. *(possible actions include recommending approval as drafted, recommending approval with amendments, or recommending denial)*
 - D. Z-23-18** Consideration, review and action on a recommendation to the Planning Commission on the proposed text and map amendments to the Zoning Ordinance, Chapter 44, Division 17 of the Bloomington City Code. *(possible actions include*

recommending approval as drafted, recommending approval with amendments, or recommending denial)

6. OTHER BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, SEPTEMBER 19, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Ms. Barbara Meek, Mr. Robert Schultz, Mr. Terry Ballantini, and Ms. Victoria Harris, Chairman Tristan Bullington

Members absent: Mr. Jeff Brown, Mr. Veitengruber

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner
Ms. Izzy Rivera, Assistant City Planner

Chairman Bullington called the meeting to order at 4:03 p.m. Ms. Simpson called the roll; with five members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the August 15, 2018 regular meeting minutes. Ms. Harris motioned to approve the minutes. Seconded by Ms. Meek. The Board approved the minutes by voice vote, 5-0.

REGULAR AGENDA:

Z-19-18 Consideration, review and action of a petition submitted by Patrick McKimm for a variance to allow a 1' decrease in distance between a principle structure and accessory structure, from the 10' requirement to construct a garage at 1007 N Oak Street. (Ward 7).

Chairman Bullington introduced the case and swore in the petitioner, Mr. Patrick McKimm, 1007 N Oak Street. Mr. McKimm provided testimony that he has been updating the property and would like to add a garage. He would like a 416 square foot of storage space but would be 9 feet away from the house. He would like to build a garage for storage and to free up parking spaces on the street. Mr. McKimm stated he would be able to park his vehicles in the garage as well and his property value would go up as well.

No one spoke in favor of the petition. No one spoke in opposition of the petition.

Ms. Rivera presented the staff report and the recommendation to approve the variance. Ms. Rivera provided the Board with an overview of the general standards the Board uses to review Zoning cases. Ms. Rivera provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. She stated the site is located within a high density area, with properties that have accessory structures closer to the principle structure. A garage like the one proposed would be compatible in this neighborhood. The property has had a shed since 1983 and according to the proposed plan, the shed would be

removed to provide space for the new garage. The proposed garage would meet all other accessory structure standards except for the 10 foot requirement, necessitating the 1 foot variance.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition meets the factors. The site is a corner lot thus resulting in more restrictions. The lot is smaller and the variance is not intense. The site is located within a higher density neighborhood with accessory structures closer to the principle structure. A garage like the one proposed would be compatible in the neighborhood and it would not be detrimental to public welfare.

Mr. Schultz motioned to adopt the staff's finding as fact for case Z-19-18, seconded by Chairman Bullington. The motion was approved, 5-0, with the following votes called: Mr. Schultz—yes; Chairman Bullington—yes; Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-19-18. The variance was approved, 5-0, with the following votes called: Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

SP-05-18 Consideration, review and action of a petition submitted by Mary and Hank Campbell for a special use permit to allow for an education and training center for women in the R-1B, Medium Density Single-Family Residence District at 1311 W Olive Street. (Ward 6).

Chairman Bullington introduced the case and swore in the petitioner, Mary and Hank Campbell and Feli Sebastian. Ms. Campbell provided testimony that she along with Feli Sebastian started the Labyrinth program working with incarcerated women, which is now part of the YWCA. The program is a part of empowerment for women. Ms. Campbell stated she along with her team wanted to start a program for all women who struggle and cannot move out of the minimum wage jobs. She stated they searched for a location in west Bloomington. She read an excerpt from the history of the building that was done by Mike Matika. She noted the initials that are still carved into the side of the building, AG Erickson. His story resonates with some of the goals that she has for the program. Ms. Campbell stated, "Swedish immigrant AG Erickson left the wretched conditions of the Bloomington coal mine and started a grocery at 1311 W. Olive, in what was called Stevensonville. He wanted to help the immigrant families who lived in his neighborhood. As they shopped in his store and he learned much about their difficulties and needs and did everything he could to help. Many of his customers did not speak English and on occasion when he did not have what customers needed he sent them to stores where he knew there was a clerk who could translate for them. Because of his knowledge of mining, Erickson soon found himself elected by his neighbors to be the president of the United Mine Workers Union. He eventually served his community as a city alderman, county commissioner, McLean County Supervisor, School Board member, and as Bloomington's Mayor. All while maintaining his grocery at 1311 W. Olive." Ms. Campbell stated they would use the building as a center for education and training for women. She stated she along with her husband will be purchasing the building. After speaking with many of the social service agencies the need for this type of program was identified. They have also spoken to the building trades, who are very interested in getting women trained and

in the work force. Ms. Campbell stated this program can address the issues that have been reported on in the Pantagraph, such as needing 2.1 jobs for someone in a low wage jobs to rent an apartment. This situation becomes more difficult for single women. The goals will be to work with the women, teach basic skills, literacy, and tool library knowledge.

Ms. Campbell addressed the parking issue that had been raised. She stated Sarah Raymond School is the right of the property and a Methodist Church is to the left. As part of the Special Use permit, she is suggesting that parking spaces will be placed in the rear of the lot. She stated they have approached the Methodist Church about using their parking lot since the lot is vacant during the time they will have trainings. Most of the women that they will be assisting do not have cars and take public transportation. Eventually once the program is up and running, they will partner with a non for profit to ensure the program has long term success.

Ms. Campbell stated the building has been vacant for 2 years. There is an apartment building on the second floor that has been taken care off by its tenants. The intent is to keep the apartment upstairs and have the first floor used for a variety of trainings. She stated she is on the Heartland Community College Board and reentry program along with Heartland is another part of the project.

Chairman Bullington stated there are 6 factors the Board must consider when making a decision. He asked Ms. Campbell to elaborate on the 5th standard which addressed ingress and egress. Ms. Campbell stated they will be requesting a curb cut and adding additional parking the rear of the lot to minimize traffic as well as using the church's parking lot. Chairman Bullington stated the other parking spaces have only been addressed in conversations since no official agreements have been made. He stated the petitioner has the option to table the case until she is able to get an official agreement to address the parking concerns. Ms. Campbell stated the purchase of the building is contingent upon obtaining a special use permit. They are making efforts to include parking in the rear and they will possibly not need any more parking as women they work with do not normally have vehicles.

Ms. Harris stated the Council may be more open to approving the variance, if there was a more formal agreement made with the church to include more parking. Ms. Campbell stated they do not have a formal agreement with the church but they would be able to get it, if needed. However they may not be a need for more parking spots.

Chairman Bullington entered into the record Exhibit A, which was a letter from Bridget Sebastini. Ms. Campbell stated there are currently two tenant who have vehicles. In the evening, when the tenants are home they would be able to use the parking lot in the rear and ease the parking on the street.

Ms. Meeks asked what the size of the classes would be. Ms. Campbell stated they would be 5-8. The classes need to be smaller so that more individualized attention can be given. The classes would be small and there would be one instructor from one of the trades.

Mr. Ballantini asked what the operating hours would be. Ms. Campbell stated usually classes would run 10AM to 6PM. They are not typical hours as a regular store would have. Mr.

Ballentini asked if the tenants had any problems with parking or if they had any other complaints.

Chairman Bullington swore in Cameron D'Agostino and Anthony D'Agostino, residents at 1311 W. Olive. Mr. D'Agostino stated parking has not been an issue and adding parking and allowing a center for education would be a benefit to the community. Mr. A. D'Agostino stated the building has been vacant and potential buyers have backed out because of the condition of the building and the neglect. He added a use like this would be beneficial. Mr. C. D'Agostino stated they both park on the street along Magoun St. and having parking on the lot would free up some parking on the street. They also have a cargo trailer and they have received complaints about parking it on the street. They have lived at 1311 W. Olive for 2 years now.

Mr. Campbell stated there was a curb cut and driveway there before but they have since been removed. They would like to see it restored.

Chairman Bullington swore in Drake Zimmerman, 20722 Cheneys Grove Rd Bloomington, IL 61705. Mr. Zimmerman gave testimony that he has worked with Mary and Hank Campbell and other projects which they execute well. He is willing to contribute the money needed for the gravel and parking needs. Mr. Zimmerman also stated he would be willing to donate the rental parking fees to the church if need be. Mr. Zimmerman stated as a member of the County Zoning Board he is familiar with the procedures and suggests that contingencies be made with an approval. He represents many people who are interested in contributing to the program and want to see it succeed. Ms. Harris commented on his generosity and appreciated the suggestion.

Chairman Bullington swore in Dr. Dawn Beichner, 511 E Market Street Bloomington, IL. Ms. Beichner gave testimony that she has worked with Labyrinth and Mary Campbell and Feli Sebastian. She stated most of the women in the program do not have vehicles and do not get rides from friend or family but rely on public transportation. Since she has worked with the petitioner and her team before she know they work hard and provide the work that they say they will and the project will work to enhance the work in west Bloomington.

Chairman Bullington swore in Charles Smock resident at 213 Packard St. Bloomington, IL. Mr. Smock gave testimony that he is not opposed to people getting job training. He has concerns with the number of people, hour of operation, traffic, trash removal and the size of the building. He stated the school parking lot is always full and people end up parking in his yard. He is opposed to the petitioner using the building as he feels it is too small and there are too many unknowns.

Ms. Simpson presented the staff report and the staff's favorable recommendation for the special use with a condition that a 10 foot screening buffer be maintained to provide screening from the parking lot. She provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. The site was used as a grocery store, and when Mr. Erickson left there was another grocery store. It was also a Mud Hut and a Jiffy Photo Shop. There was also an addition to the building which was converted into a single family apartment and has since been removed and under the proposed use would be used for training space. Ms. Simpson stated there are commercial uses that are

permitted in the R-1B such as day care center and religious education facilities with a special use permit with primarily residential uses. There is a school and a church located in the immediate area as well. The petitioner is proposes an education facility for women. Parking is available in the area and staff encourages the petitioner to seek out the additional parking. Based on the previous use, of a repair shop, the size of the building and the parking requirements, 3 parking spaces would be required. The Zoning Code also has an exception which states when 3 parking spaces are being required, they do not need to be provided. The Zoning Code also states when a new use is going into an existing building, the additional parking that would be required would have to be provided. The square footage of the first floor which is approximately 1,817 square feet would be taken resulting in 5 spaces needed at this site. Taking into consideration the additional parking that would be required, staff would encourage 3 other spaces be found off site. Ms. Simpson stated she believe a curb cut in this area would comply with the code. She stated staff would recommend changing the site plan for the parking, it could result in an additional parking spot. The screening buffer for new development would be 15 feet however with the constraints of the property 10 feet would still be accomplished and give the lot space for parking. The screening will shield the residences from the cars. The proposal conforms to the Comprehensive Plan, the site is located in the regeneration area. Staff highlighted Comprehensive Plan goals, which includes investment in existing infrastructure, provide lifelong skills for all, and partner with program such as Labyrinth.

Chairman Bullington asked about the screening buffer. Ms. Simpson stated the buffer would only be required in the rear of the lot as it would not be possible in the front. Mr. Schultz asked about Exhibit A, and the concerns of traffic and parking are existing. The City could address those issues by putting “no parking” signs closer to intersections. Ms. Simpson stated staff is supportive of the parking in the rear of the property to assist with these concerns. Concerns with the visibility of the corner could be brought to the attention of the Traffic Commission. Ms. Harris stated the revitalization of the building is essential and would benefit the area. Ms. Simpson stated parking in the older neighborhood will be a challenge since there is not much area and the City will have to work individually with each project. Ms. Harris asked how close the other parking lots are to the site. Ms. Simpson stated they are fairly close, down the street from the site. The school is used throughout the day. Ms. Simpson stated staff finds the standards are met.

Chairman Bullington asked the petitioner if they are in agreement with the conditions set by the staff. Ms. Campbell stated that they were and they will consult with Ms. Simpson on the design and to maximize the space. Mr. Schultz asked if they had a reason for the proposed site plan. Ms. Campbell stated there was not, they just wanted to get the message across that they would like parking in the rear.

Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board discuss the conditions, staff findings and factors. Ms. Meek stated she recommends in favor of the existing condition placed by staff.

Chairman Bullington requested the Board establish a finding of fact for case SP-05-18. He explained the Board will take a position on each factor and state if the factor is “met” or “not

met”. Ms. Simpson called each factor and performed a roll call vote for each factor for a special use (44.10-3C)

Factor 1. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 2. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 3. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 4. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 5. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 6. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Chairman Bullington requested the Board vote on the conditions, the rear and side yard transition yard and screening; the petitioner should be required to maintain a 10 foot transitional rear and side yard on the parts of the property immediately adjacent to other properties and not on the side of the street. A vote of yes would make this part of the recommendation. Ms. Simpson performed a roll call vote, with the following votes cast:

Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a special use with the conditions set, the Board voted in favor of recommendation with the following votes cast:

Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Ms. Simpson stated the Zoning Board recommended in favor of SP-05-18, unanimously with the condition that a 10 foot transition yard be maintained. The case will be heard before City Council on Oct. 22.

OTHER BUSINESS:

Approve 2019 Meetings

Staff would like to increase the deadlines by a week, in order to give staff more time to review and provide comments and community with petitioners before publishing in the newspaper. Mr. Schultz motioned to accept the 2019 meeting dates, seconded by Ms. Meek. Motioned was approved by voice vote.

ADJOURNMENT

Chairman Bullington motioned to adjourn. Seconded by Mr. Schultz. The motion was approved by voice vote. The meeting adjourned at 5:07 p.m.

Respectfully Submitted,
Izzy Rivera
Assistant City Planner

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 17, 2018

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-20-18	1514 W Graham St	Variance	Izzy Rivera Assistant City Planner

PROJECT DESCRIPTION:
Installation of a 40' X 30' garage which exceed accessory structure standards

PETITIONER'S REQUEST:			
Pertaining to Section of Code: 44.4-4 Accessory Buildings and Uses			
Type of Variance	Request	Required	Variation
Exceeds square foot of principle structure	1,200 sf	1032 sf	168 sf ↑
Exceeds square foot requirements	1,200 sf	1000 sf	200 sf ↑
Exceeds height requirement	18.5'	14'	4.5' ↑

STAFF RECOMMENDATION:	Staff determines the petition does not meet the Zoning Ordinance's standards required to grant a variance. (44.13-3) <i>Staff recommends the Zoning Board of Appeals deny the variances for 1517 W Graham St.</i>
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NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on October 1, 2018.

GENERAL INFORMATION

Owner and Applicant: Jason Taylor

PROPERTY INFORMATION

Legal description: SUBN LOT 2 HINSHAW'S SUBN SE SW 32-24-2E PT LOT 14 - BEG SE COR, W184.19', NE TO PT 41.20'W NE COR, E TO NE COR, S TO POB

Existing Zoning: R-1B, Medium Density Single Family Residence District

Existing Land Use: Single family home

Property Size: Approximately 40,000 square feet (184 X 330, on one side)

PIN: 14-32-378-030

SURROUNDING ZONING AND LAND USES

Zoning

North: R-1, Single Family Residential (Unincorporated)

South: R-1B, Medium Density Single Family

South: S-2, Public Lands and Institutions

East: R-1B, Medium Density Single Family

West: Not Zoned: City of Bloomington

Land Uses

North: Single family home(s)

South: Single family home(s)

South: O'Neil Park

East: Single family home(s)

West: Undeveloped

ANALYSIS

Submittals

This report is based on the following documents, which are on file with the Community

Development Department:

1. Application for Variance
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION



Background:

The subject property, located at 1517 W Graham St., is a residential lot positioned at the south of N Hinshaw Ave and east of White Oak Rd. The subject property has a lot area of approximately 40,000 square feet. The lot is rectangular in shape, with minor contours sloping towards the west. The site exceeds the width and area per dwelling unit. The site is part of the Hinshaw Subdivision which was annexed into the City of Bloomington in 1949. While the Official Zoning Map does not show a

Agenda Item A
Z-20-18
1517 W Graham St.

zoning classification for the site, maps from 1955 and 1988 show the site was zoned R-1B, Medium Density Single Family Residence District. Staff was unable to find documentation to reflect a rezoning or changes to the site. Staff is correcting the error on the zoning map. The zoning district is intended for moderate sized lots, at least 10,000 sqft, and densities of four dwellings per acre. The entire block on W Graham St, between N. Hinshaw and White Oak Road contains larger lots exceeding the minimum. Along with single family homes, there are detached garages, sheds, and other accessory structures. The average lot size for the block is approximately 44,390 square feet or just over an acre.

Project Description: The petitioner would like to construct a 30' X 40' (1200sqft) garage next to the home where the current garage is located. Currently the home has a deteriorating breezeway that connects the home with the garage. The plans reflect that the breezeway will be removed. The new garage would be detached and sit 12 feet from the home. The petitioner would like the garage to feature the same roof pitch as the home, thus exceeding the 14 foot height limit, the new height would be 18.5 feet. The petitioner would like to build a larger accessory structure to store vehicles and other equipment. This would reduce the number of off-site storage rental units the petitioner currently has.

The City of Bloomington Zoning Code permits accessory structures in the rear yard. Accessory structures by definition are subordinate to the principle structure in size, and the accessory structure must have a use that is compatible with the principle use, a residence. The definition in Chapter 44. 3-4 also states the structure should contribute to the “comfort, convenience, or necessity of occupants”. The standards are in place in order to control density and separation, and to manage storm-water runoff and greenspace. These standards apply to all residential lots in the City of Bloomington. The average lot sizes ranging from 2,500 sqft to 43,560 sqft. A variance could be granted on properties that demonstrate physical hardship and have difficulty meeting the accessory structure standards. There are larger accessory structures in the area and barn directly south of the subject property, however staff was unable to find any variances that may have been approved to allow the larger structures. These structures could have predated the code or could have been annexed into the City. Today, these structures would be considered nonconforming. Below is an outline of the accessory structure standards:

Accessory Structure Standards	Required	Provided	Compliance: Y/N
Not in front yard	Rear yard	Rear yard	Y
Side yard distance	3'	80'	Y
Height	14'	18.5'	N
Gross floor area for accessory structure	30%	30%	Y
Exceeds square foot of principle structure	1,032 sf	1,200 sf	N
Exceeds square foot requirement	1,000 sf	1,200 sf	N

Accessory structures are restricted to 14ft or one story to preserve the views of surrounding residentially zoned properties, to ensure the structure is subordinate to the principal residential use, and to protect the residential character of the neighborhood. The proposed accessory structure would be constructed in line with the home and not encroach in the front yard.

The following is a summary of the requested variations:

Applicable Code Sections:

Pertaining to Section of Code: 44.4-4 Accessory Buildings and Uses

Type of Variance	Request	Required	Variation
Exceeds square foot of principle structure	1,200 sf	1032 sf	168 sf ↑
Exceeds square foot requirements	1,200 sf	1000 sf	200 sf ↑
Exceeds height requirement	18.5'	14'	4.5' ↑

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact. Staffs' analysis and findings are as follows:

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the site has some contours which slope to the west, however the grade is not steep enough to constitute a physical hardship necessitating a larger structure. The proposed structure exceeds the square footage of the home as well as the 1000 square foot maximum for an accessory structure. The desire for a larger accessory structure is not due to the physical characteristics of the property, but to the desire for more storage space. **The standard is not met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner could reduce the size of the accessory building and reduce the height in order to comply with the standards. A 1,000 square foot structure would still accommodate storage needs and comply with the zoning ordinance requirements. The petitioner is able to make reasonable use of the property as it exists and with a smaller structure. **The standard is not met.**

That the special conditions and circumstances were not created by any action of the applicant; and the petitioner is requesting a larger and taller accessory structure for more space for storage. The conditions are self-created. **The standard is not met.**

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and the petitioner referenced nearby surrounding properties with larger accessory structures. However, these structures were either existing before the adoption of the Code and are now considered nonconforming. Staff was unable to find any variance applications. The purpose of the accessory structure standards are to control density and protect

views, while ensuring accessory structures are maintained for residential purposes. The Code attempts to prevent the conversion of an accessory structure into a principle structure or a structure with a commercial use. According to the petitioners application the use will be for storage only. **The standard is not met.**

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. The purpose of the accessory structure bulk requirements are to ensure the accessory structure remains subordinate to the principal structure and does not alter the character of the neighborhood. The height and square foot requirements regulate the proportion of structures within a neighborhood, preventing their conversion to commercial uses and protecting the views of neighboring properties. The Zoning Ordinance was created to manage densities and open space for city development where people tend to live within close proximity to one another. Although this area contains larger lots than the traditional R-1B Zoning Classification, permitting an accessory structure that exceeds these requirements in the R-1B district would set a precedent for other accessory structures in this district throughout the City. **The standard is not met.**

STAFF RECOMMENDATION: *Staff recommends the Zoning Board of Appeals **deny** the variance for 1517 W Graham St. to allow an accessory structure greater than the principle structure, greater than 1,000 square feet and greater than 14 feet in height.*

Respectfully submitted,
Izzy Rivera
Assistant City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notice and neighborhood notice
- List of notified property owners

App # 40551

2-20-18

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 1517 W. Graham St.

Site Address: Bloomington, IL, 61701

Petitioner: Jason Taylor Phone: 

Petitioner's Email Address: 

Petitioner's Mailing Address Street: 1517 W. Graham St.

City, State, Zip Code: Bloomington, IL, 61701

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant 

Brief Project Description:

*Teer down Old garage to build a new one
in same location*

Code Requirements Involved:

Variances(s) Requested: *2 of them!
One for height
the second for x-~~ten~~ square feet (200)*

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

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:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and

No the lot is the last on the street with no one to the west, its a very big lot. I'm looking for more height & square feet

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

yes im not wanting 2 or 3 buildings just the one to keep everything secure & inside

3. That the special conditions and circumstances were not created by any action of the applicant; and

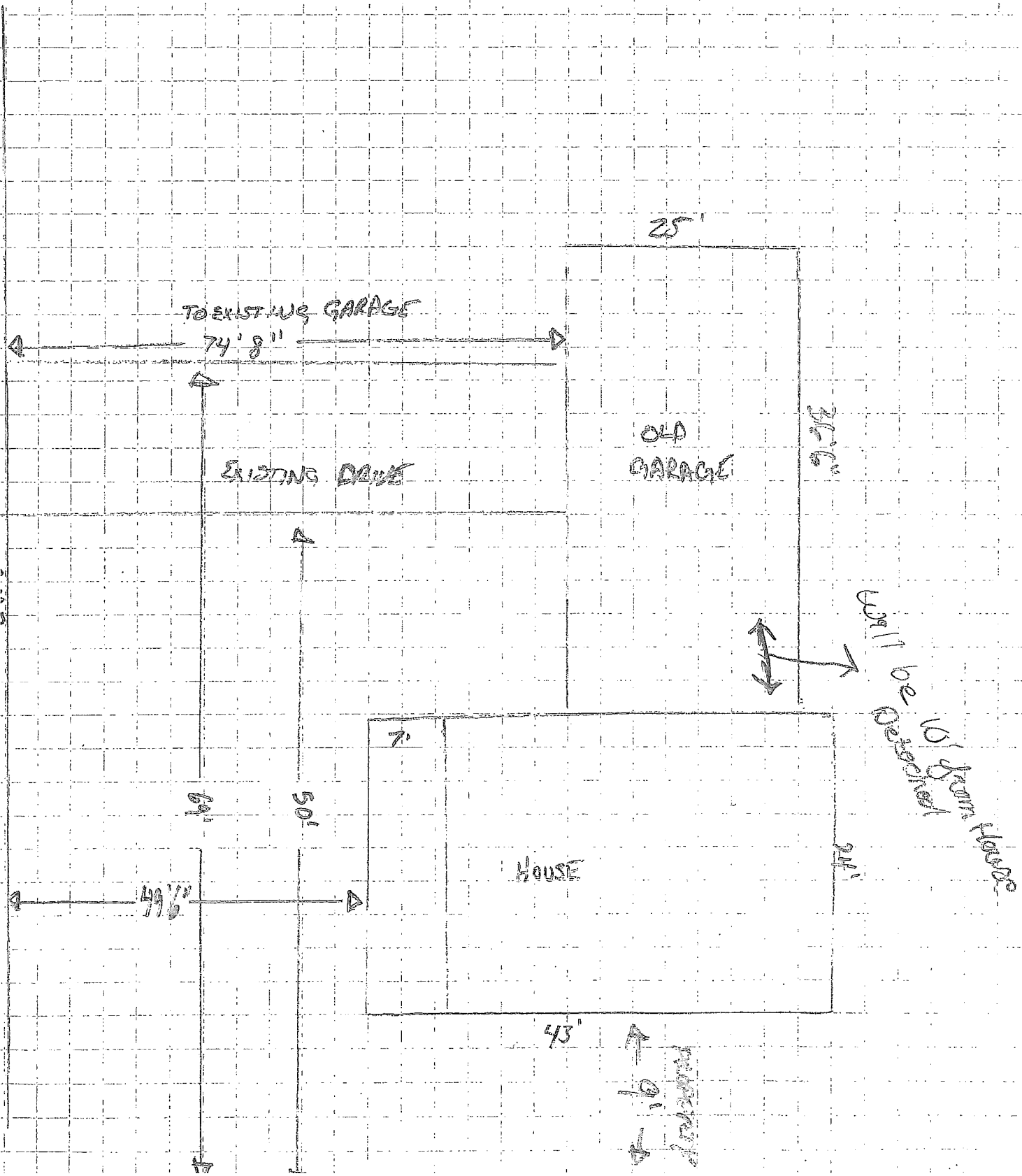
No im looking for it to max my storage space. I've got 2 offsite storage places and would like everything at home.

4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

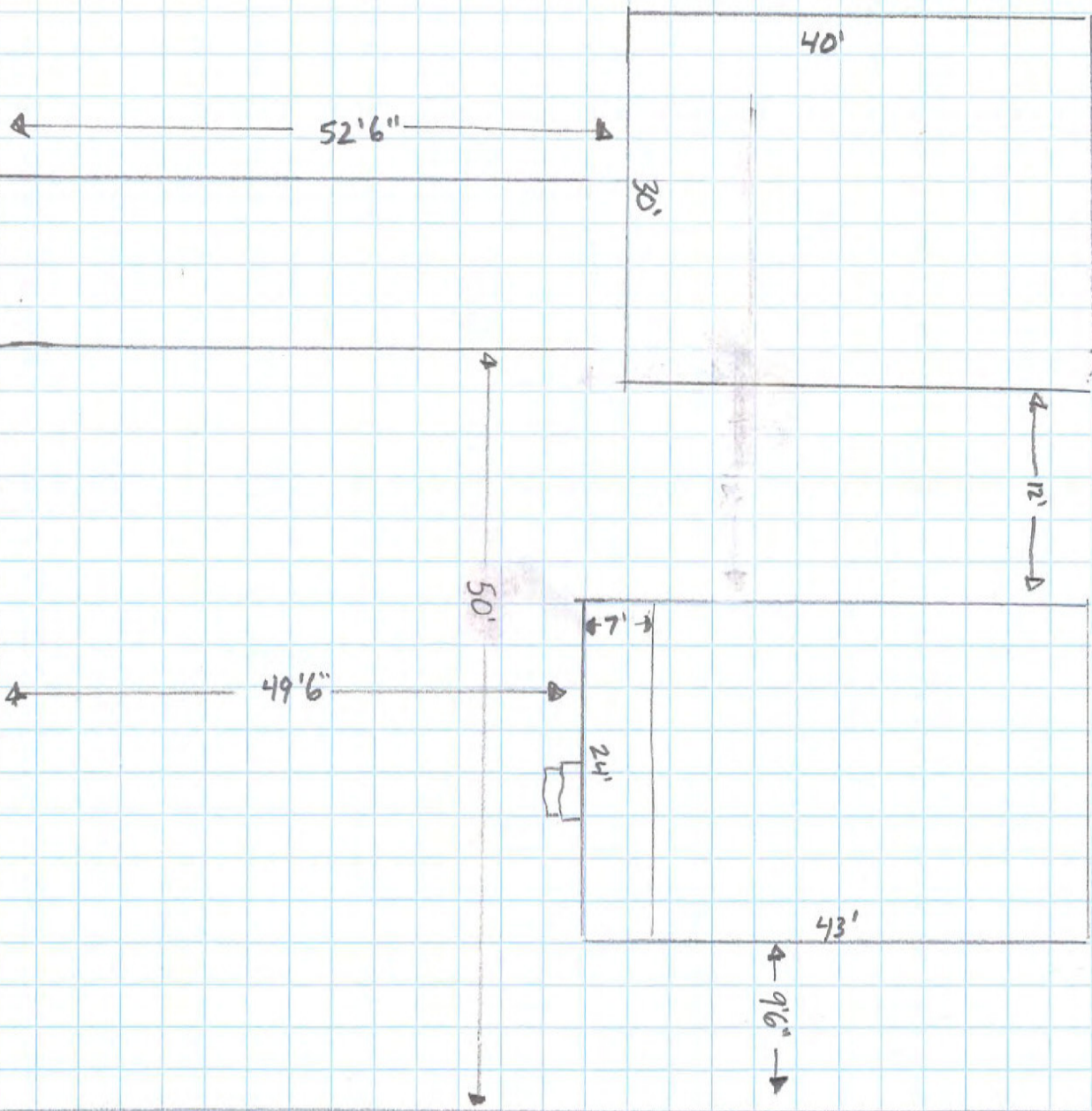
No it won't other neighbors have big garages & out buildings

5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.

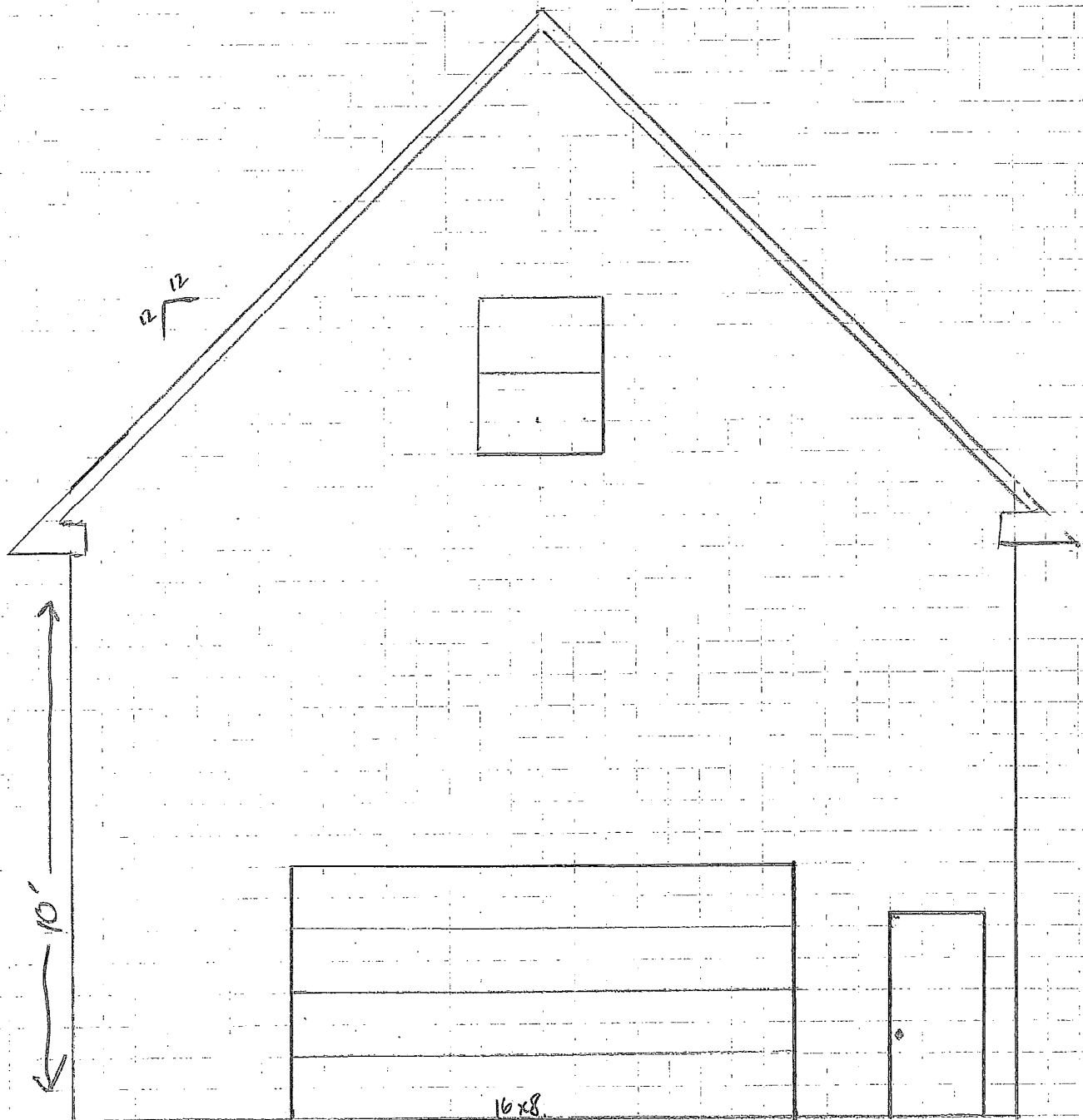
No i believe it will improve the neighborhood. The neighbors ask me quite often when im going to tear down the old and fix it like the rest the house i did!



total
height 18.5'



CURB





Bloomington
R.P. Lumber Company, Inc.
2440 South Main Street
Bloomington, IL 61704
309-827-6067
Fax: 309-829-0350



QUOTE

1808-014062

PAGE 1 OF 4

SOLD TO
CASH SALES

JOB ADDRESS
ADAM SULLIVAN
828-7727

ACCOUNT	JOB
CASH	0
CREATED ON	08/08/2018
EXPIRES ON	08/18/2018
BRANCH	2100
CUSTOMER PO#	
STATION	BL9
CASHIER	STANW
SALESPERSON	
ORDER ENTRY	STANW
MODIFIED BY	

30' X 40' GARAGE
10' WALLS
12/12 PITCH RIA TRUSS PACKAGE
UNFINISHED INT.

Item	Description	D	Quantity	U/M	Price	Per	Amount
	FRAMING						
312BS	3-1/2"X50' STYRENE SILL SEALER	N	3	RL	4.9900	RL	14.97
2416ACQ	2X4X16 MCA TREATED #1 **ABOVE GROUND - ARSENIC FREE	N	9	EA	11.2000	EA	100.80
2416APS	2X4X16 SELECT / APPEARANCE	N	25	EA	9.3600	EA	234.00
2412APS	2X4X12 SELECT / APPEARANCE	N	6	EA	6.4800	EA	38.88
2410APS	2X4X10 SELECT / APPEARANCE	N	160	EA	5.0000	EA	800.00
21081YP	2X10X8 #1 YELLOW PINE	N	1	EA	9.7600	EA	9.76
1117830ML	1-3/4"X11-7/8"X30' MICROLAM/LVL	N	2	EA	158.7000	EA	317.40
48716A	4X8X7/16 OSB	N	42	PC	15.9900	PC	671.58
28161YP	2X8X16 #1 YELLOW PINE	N	2	EA	15.3600	EA	30.72
BP12HDG	BP12-HDG 2X2 BEARING PLATE	N	4	EA	1.8900	EA	7.56
SOITEM	MISC NAIL AND HDWE ALLOWANCE	N	1	EA	200.0000	EA	200.00
212201YP	2X12X20 #1 YELLOW PINE	N	3	EA	35.8000	EA	107.40
18162WP	1X8X16 #2 WHITE PINE	N	3	EA	14.9900	EA	44.97
212161YP	2X12X16 #1 YELLOW PINE	N	4	EA	26.5600	EA	106.24
4834TGO	4X8X3/4 T&G OSB GREY 250	N	20	PC	25.9900	PC	519.80
4000	28OZ SUBFLOOR/PLYWD ADHESIVE	N	8	TB	4.9900	TB	39.92
210101YP	2X10X10 #1 YELLOW PINE	N	4	EA	12.4000	EA	49.60
210161YP	2X10X16 #1 YELLOW PINE	N	1	EA	20.4800	EA	20.48
210SJHTZ	JUS210TZ 2X10 SNGL JOIST HNGR	N	16	EA	1.6900	EA	27.04
2610APS	2X6X10 SELECT / APPEARANCE	N	17	EA	7.9000	EA	134.30
SOITEM	TRUSS PACKAGE	N	1	EA	5536.8500	EA	5536.85
2416APS	2X4X16 SELECT / APPEARANCE	N	16	EA	9.3600	EA	149.76
Please review carefully! This is an estimate only and not a guarantee that the items listed will finish this project or meet local building codes. Prices are good for 10 days only. Some prices subject to change without notice.					Subtotal		
					Sales Tax		
					Total		

Buyer:

Signature



Bloomington
R.P. Lumber Company, Inc.
2440 South Main Street
Bloomington, IL 61704
309-827-6067
Fax: 309-829-0350



QUOTE

1808-014062

PAGE 2 OF 4

SOLD TO
CASH SALES

JOB ADDRESS
ADAM SULLIVAN
828-7727

ACCOUNT	JOB
CASH	0
CREATED ON	08/08/2018
EXPIRES ON	08/18/2018
BRANCH	2100
CUSTOMER PO#	
STATION	BL9
CASHIER	STANW
SALESPERSON	
ORDER ENTRY	STANW
MODIFIED BY	

30' X 40' GARAGE
10' WALLS
12/12 PITCH RIA TRUSS PACKAGE
UNFINISHED INT.

Item	Description	D	Quantity	U/M	Price	Per	Amount
2616APS	2X6X16 SELECT / APPEARANCE	N	14	EA	12.6400	EA	176.96
4812P	4X8X1/2 OSB	N	66	PC	16.9900	PC	1121.34
12PC	PC12 1/2" PLYWOOD CLIP	N	1	BX	16.9500	BX	16.95
RT7TZ	RT-7TZ RFTER TO DBL PLATE TIE	N	42	EA	0.4500	EA	18.90
709417	5LB HDG 1-1/2 JOIST NAIL	N	1	BX	14.9900	BX	14.99
220460	MPB112 HANDRAL BRKT SN	N	4	EA	4.7900	EA	19.16
231WP	1-1/2X1-11/16 HANDRAIL	N	16	LF	1.5500	LF	24.80
	FRAMING						10,555.13
	DOOR						
306PLD	30' 6PAN STL LH 4 1/2 D/BORE	N	1	EA	184.9900	EA	184.99
SOITEM	LOCK AND DEADBOLT	N	1	EA	30.0000	EA	30.00
W16GC1	16D GALVONIZED CASING NAIL 1#		1	BX	4.4900	BX	4.49
793476	WHITE SILICONE SEALANT	N	1	TB	4.9900	TB	4.99
	DOOR						224.47
	SHINGLE						
250WW	*CERT* WEATHERWOOD LANDMARK	N	21	SQD	78.9900	SQD	1658.79
LWWHR	LANDMARK SHDW RIDGE WTHRED WOOD	N	2	BDL	43.9900	BDL	87.98
CSS	CERTAINTED SWIFTSTART SHINGLE STARTER(112')	N	1	BDL	35.9900	BDL	35.99
15F	15LB FELT	N	4	RL	16.9900	RL	67.96
MIW	1SQ ICE/WATER SHIELD GRANULATED MIRADR/CARLISLE/MOISTURE GUARD	N	3	RL	29.9900	RL	89.97
ODEW	12' WHITE ALUM ROOF EDGE	N	15	EA	5.6900	EA	85.35
LOR30	30' LO-OMNI ROLL GUNNABLE	N	2	EA	69.9900	EA	139.98
Please review carefully! This is an estimate only and not a guarantee that the items listed will finish this project or meet local building codes. Prices are good for 10 days only. Some prices subject to change without notice.					Subtotal		
					Sales Tax		
					Total		

Buyer:

Signature



Bloomington
R.P. Lumber Company, Inc.
2440 South Main Street
Bloomington, IL 61704
309-827-6067
Fax: 309-829-0350



QUOTE

1808-014062

PAGE 3 OF 4

SOLD TO
CASH SALES

JOB ADDRESS
ADAM SULLIVAN
828-7727

ACCOUNT	JOB
CASH	0
CREATED ON	08/08/2018
EXPIRES ON	08/18/2018
BRANCH	2100
CUSTOMER PO#	
STATION	BL9
CASHIER	STANW
SALESPERSON	
ORDER ENTRY	STANW
MODIFIED BY	

30' X 40' GARAGE
10' WALLS
12/12 PITCH RIA TRUSS PACKAGE
UNFINISHED INT.

Item	Description	D	Quantity	UM	Price	Per	Amount
114PCS	1-1/4" PLASTIC CAP NAIL	N	2	BX	23.9900	BX	47.98
114CGR	1-1/4" COIL ROOFING NAIL	N	2	BX	26.9900	BX	53.98
117927	100Z CLEAR ROOF SEALANT	N	1	EA	7.9900	EA	7.99
	SHINGLE						2,275.97
	SIDING						
VS4NC	NAT CLAY D4 PREM VINYL SDNG *****.042 DOUBLE 4*****	N	19	SQ	68.9900	SQ	1310.81
VSSA	2-1/2" ALUMINUM STARTER	N	13	EA	4.4900	EA	58.37
12JNC	NAT CLAY 1/2-5/8 VNL JCHNL	N	14	EA	4.9900	EA	69.86
VFTNC	NATURAL CLAY VINYL VFT TRIM	N	9	EA	6.9900	EA	62.91
2GR	2" EG ROOFING NAIL	N	1	BX	50.0000	BX	50.00
6AFW	6"X12' WHITE ALUM FACIA	N	15	EA	12.9900	EA	194.85
FCAW	F-CHANNEL WHITE ALUM. 12'	N	15	EA	8.9900	EA	134.85
16SSAW	16" SLD WHITE ALUM. SOFFIT	N	7	EA	20.9900	EA	146.93
16CVSAW	16" C/V WHITE ALUM. SOFFIT	N	7	EA	20.9900	EA	146.93
114SSNW	1LB STAINLESS STEEL WHITE TRIM NAIL 1 1/4"	N	1	BX	10.9900	BX	10.99
24CSW	24"X50'WHT/WHT ALUM COIL	N	1	RL	86.9900	RL	86.99
10150T	10'X150' TYVEK HOUSE WRAP	N	1	RL	197.9900	RL	197.99
9150T	9'X150' TYVEK HOUSE WRAP	N	1	RL	174.9900	RL	174.99
11225	2"X55 YARD TYVEK TAPE		3	RL	12.9900	RL	38.97
	SIDING						2,685.44
	GARAGE DR						

Please review carefully! This is an estimate only and not a guarantee that the items listed will finish this project or meet local building codes. Prices are good for 10 days only. Some prices subject to change without notice.

Subtotal

Sales Tax

Total

Buyer:

Signature



Bloomington
R.P. Lumber Company, Inc.
2440 South Main Street
Bloomington, IL 61704
309-827-6067
Fax: 309-829-0350



QUOTE

1808-014062

PAGE 4 OF 4

SOLD TO
CASH SALES

JOB ADDRESS
ADAM SULLIVAN
828-7727

ACCOUNT	JOB
CASH	0
CREATED ON	08/08/2018
EXPIRES ON	08/18/2018
BRANCH	2100
CUSTOMER PO#	
STATION	BL9
CASHIER	STANW
SALESPERSON	
ORDER ENTRY	STANW
MODIFIED BY	

30' X 40' GARAGE
10' WALLS
12/12 PITCH RIA TRUSS PACKAGE
UNFINISHED INT.

Item	Description	D	Quantity	U/M	Price	Per	Amount
HOR167EW	16X7 WHITE N/INS EXTENSION	N	1	EA	474.9900	EA	474.99
100409	1/2HP CHAIN GDO 1 REMOTE - PD510		1	BX	129.9900	BX	129.99
267201	7706 7' WHT GARAGE DOOR STOP	N	2	LG	7.9900	LG	15.98
SOITEM	16' WHT GARAGE DOOR STOP	N	1	EA	17.9900	EA	17.99
SOITEM	MISC HDWE ALLOWANCE	N	1	EA	50.0000	EA	50.00
	GARAGE DR						688.95
Please review carefully! This is an estimate only and not a guarantee that the items listed will finish this project or meet local building codes. Prices are good for 10 days only. Some prices subject to change without notice.					2102 8.75%	Subtotal	16,429.96
						Sales Tax	1,437.62
						Total	17,867.58

Buyer:

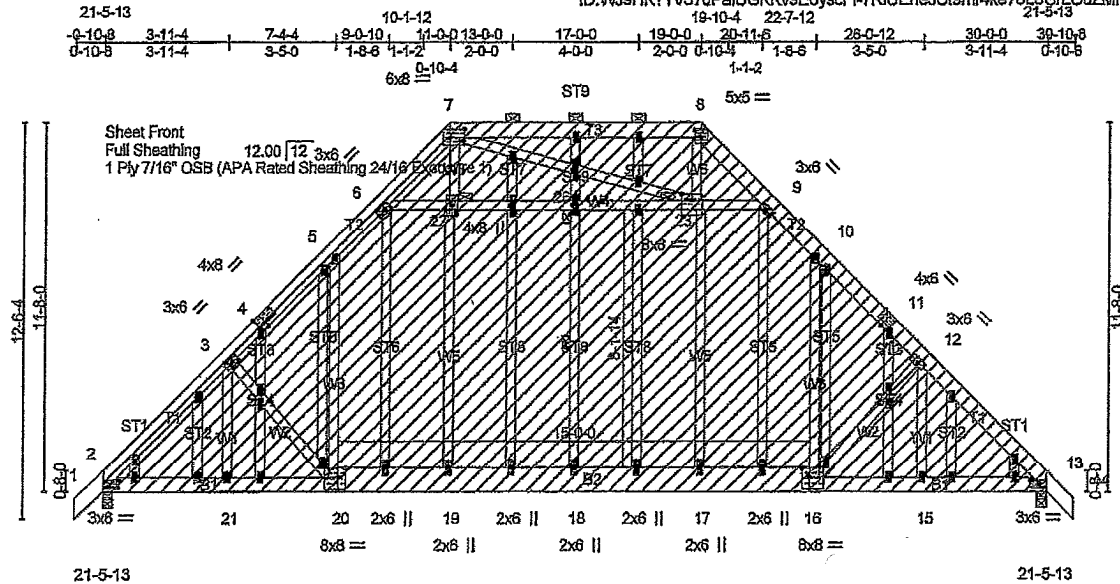
Signature

Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
1802008B	GE01	GABLE	2	1	

U.S. Truss Company, Springfield, Illinois 62711

ID: VVJ9HK?1V57dPaiUGKv9E6yscFI-7RIUEheJct9mr4ke7ol3G6L0uZMK15qjXQeHzypvFF

7:500 s Oct 3 2014 MITek Industries, Inc. Wed Aug 08 12:53:50 2018 Page 1



Scale = 1:67.6

Plate Offsets (X,Y) [2:0-3-6,0-1-8], [4:0-3-0,Edge], [7:0-5-8,0-3-0], [8:0-2-8,0-2-12], [11:0-3-0,Edge], [13:0-3-6,0-1-8], [16:0-2-12,0-3-8], [20:0-2-12,0-3-8], [23:0-4-0,0-2-8], [24:0-1-10,0-1-0], [26:0-1-8,0-1-0], [27:0-1-8,0-1-0]

LOADING (psf)	SPACING-	CSI	DEFL	In (loc)	I/def	L/d	PLATES	GRIP
TCLL 30.0	Plate Grip DOL 1.15	TC 0.45	Vert(LL) -0.18 15-16	>999	240		MT20	244/190
TCDL 10.0	Lumber DOL 1.15	BC 0.69	Vert(CT) -0.21 15-16	>999	180			
BCLL 0.0 *	Rep Stress Incr NO	WB 0.27	Horz(CT) 0.02 13	n/a	n/a			
BCDL 10.0	Code IRC2015/TPI2014	(Matrix)					Weight: 730 lb	FT = 20%

LUMBER-
TOP CHORD 2x6 SP No.1
BOT CHORD 2x6 SP No.1 *Except*
 B2: 2x10 SP 2400F 2.0E
WEBS 2x4 SP No.1
OTHERS 2x4 SP No.1

BRACING-
TOP CHORD Structural wood sheathing directly applied or 5-8-2 oc purlins, except 2-0-0 oc purlins (6-0-0 max.): 7-8.
BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.
WEBS 1 Row at midpt 18-26
JOINTS 1 Brace at Jt(s): 22, 23, 26

MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer installation guide.

REACTIONS. (lb/size) 2=1567/0-3-8 (min. 0-1-14), 13=1567/0-3-8 (min. 0-1-14)
 Max Horz 2=311(LC 6)
 Max Uplift 2=131(LC 8), 13=131(LC 9)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
TOP CHORD 2-3=1920/177, 3-4=1697/187, 4-5=1568/213, 5-6=1450/187, 6-7=1146/137, 8-9=1107/141, 9-10=1432/182, 10-11=1572/218, 11-12=1702/192, 12-13=1918/179, 7-8=806/183
BOT CHORD 2-21=233/1434, 20-21=230/1433, 19-20=71/1158, 18-19=69/1148, 17-18=69/1148, 16-17=65/1157, 15-16=6/1258, 13-15=8/1258
WEBS 3-21=157/306, 3-20=460/327, 6-22=464/287, 22-28=447/289, 23-26=447/289, 9-23=524/306, 12-16=460/335, 12-15=172/306, 7-22=0/485, 8-23=0/441, 7-23=276/222, 19-22=3/478, 17-23=0/437

NOTES-

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-10; Vult=115mph (3-second gust) V(IRC2015)=91mph; TCDL=6.0psf; BCDL=6.0psf; h=25ft; Cat II; Exp C; enclosed; MWFRS (envelope) automatic zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60
- Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- Provide adequate drainage to prevent water ponding.
- All plates are 2x4 MT20 unless otherwise indicated.
- Gable studs spaced at 2-0-0 oc.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members, with BCDL = 10.0psf.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) except (jt=lb) 2=131, 13=131.
- This truss is designed in accordance with the 2015 International Residential Code sections R502.11.1 and R502.10.2 and referenced standard ANSI/TPI 1.
- "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.
- Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.

Continued on page 2

Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
1802008B	GE01	GABLE	2	1	

U.S. Truss Company, Springfield, Illinois 62711

7.600 s Oct 3 2014 Mitek Industries, Inc. Wed Aug 08 12:53:51 2018 Page 2
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NOTES-

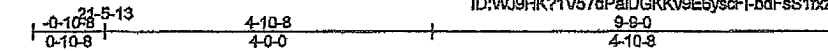
13) Attic room checked for L/360 deflection.

LOAD CASE(S) Standard

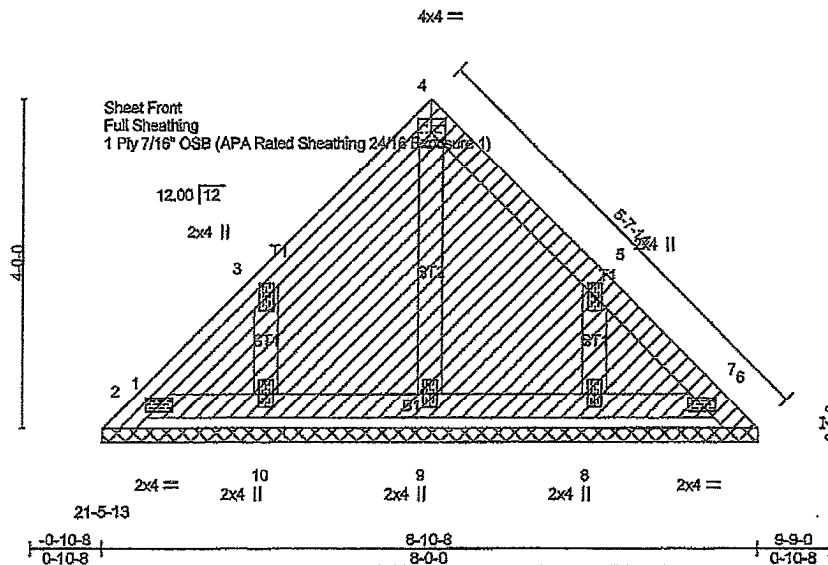
JOB	Truss	Truss type	Qty	Ply	Job Reference (optional)
1802008B	PB01	GABLE	2	1	

U.S. Truss Company, Springfield, Illinois 62711

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Scale = 1:25.9



LOADING (psf)	SPACING-	2-0-0	CSI	DEFL	in (loc)	l/defl	l/d	PLATES	GRIP
TCLL 30.0	Plate Grip DOL	1.15	TC 0.05	Vert(LL)	n/a	-	n/a	MT20	244/190
TCDL 10.0	Lumber DOL	1.15	BC 0.02	Vert(CT)	n/a	-	n/a		
BCLL 0.0 *	Rep Stress Incr	NO	WB 0.02	Horz(CT)	0.00	6	n/a		
BCDL 10.0	Code IRC2015/TPI2014		(Matrix)					Weight: 57 lb	FT = 20%

LUMBER-

TOP CHORD 2x4 SP No.1
BOT CHORD 2x4 SP No.1
OTHERS 2x4 SP No.1

BRACING-

TOP CHORD
BOT CHORD

Structural wood sheathing directly applied or 6-0-0 oc purfins.
Rigid ceiling directly applied or 10-0-0 oc bracing.

MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS.

All bearings 8-0-0.
(lb) - Max Horz 1=99(LC 4)
Max Uplift All uplift 100 lb or less at joint(s) 1, 7, 2 except 10=126(LC 6), 8=125(LC 9)
Max Grav All reactions 250 lb or less at joint(s) 1, 7, 2, 6, 9, 10, 8

FORCES.

(lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

NOTES-

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-10; Vult=115mph (3-second gust) V(IRC2015)=91mph; TCDL=6.0psf; BCDL=6.0psf; h=25ft; Cat. II; Exp C; enclosed; MWFRS (envelope) automatic zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60
- Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- Gable requires continuous bottom chord bearing.
- Gable studs spaced at 2-0-0 oc.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 1, 7, 2 except (1=1b) 10=126, 8=125.
- This truss is designed in accordance with the 2015 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.
- "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.
- See Standard Industry Piggyback Truss Connection Detail for Connection to base truss as applicable, or consult qualified building designer.

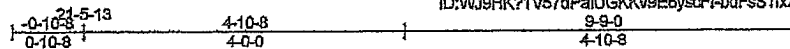
LOAD CASE(S)

Standard

Job	Truss	Truss Type	City	Ply	Job Reference (optional)
1802008B	PB02	GABLE	19	1	

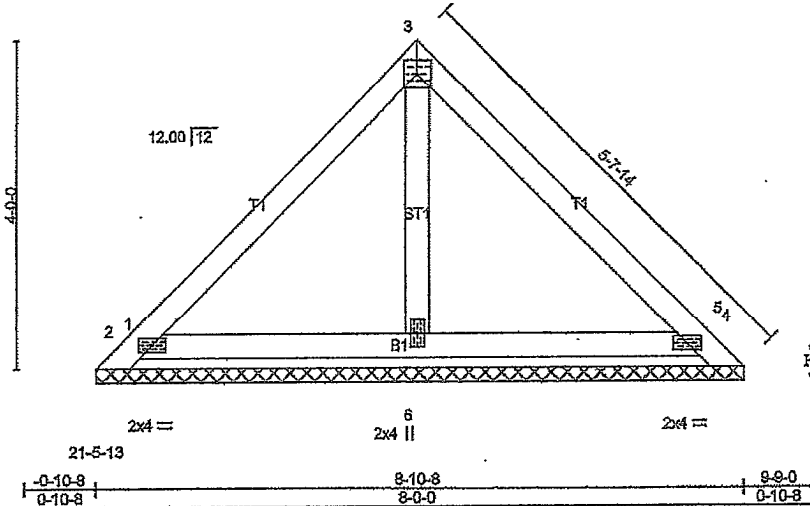
U.S. Truss Company, Springfield, Illinois 62711

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4x4 =

Scale = 1:25.9



LOADING (psf)	SPACING-	CSL	DEFL.	in (loc)	l/defl	L/d	PLATES	GRIP
TCLL 30.0	2-0-0	TC 0.22	Vert(LL)	n/a	n/a	999	MT20	244/190
TCDL 10.0	Plate Grip DOL 1.15	BC 0.10	Vert(CT)	n/a	n/a	999		
BCLL 0.0 *	Lumber DOL 1.15	WB 0.03	Horz(CT)	0.00	4	n/a		
BCDL 10.0	Rep Stress Incr NO	(Matrix)						
	Code IRC2015/TPI2014						Weight 32 lb	FT = 20%

LUMBER-
 TOP CHORD 2x4 SP No.1
 BOT CHORD 2x4 SP No.1
 OTHERS 2x4 SP No.1

BRACING-
 TOP CHORD
 BOT CHORD

Structural wood sheathing directly applied or 6-0-0 oc purlins.
 Rigid ceiling directly applied or 10-0-0 oc bracing.

MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS. All bearings 8-0-0.

(lb) - Max Horz 1=99(LC 7)

Max Uplift All uplift 100 lb or less at joint(s) except 1=375(LC 15), 5=318(LC 16), 2=375(LC 8), 4=335(LC 9)

Max Grav All reactions 250 lb or less at joint(s) 6 except 1=319(LC 8), 5=268(LC 9), 2=603(LC 15), 4=568(LC 16)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

TOP CHORD 1-2=247/307

NOTES-

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-10; Vult=115mph (3-second gust) V(IRC2015)=91mph; TCDL=8.0psf; BCDL=8.0psf; h=25ft; Cat. II; Exp C; enclosed; MWFRS (envelope) automatic zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60
- Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- Gable requires continuous bottom chord bearing.
- Gable studs spaced at 4-0-0 oc.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 375 lb uplift at joint 1, 318 lb uplift at joint 5, 375 lb uplift at joint 2 and 335 lb uplift at joint 4.
- This truss is designed in accordance with the 2015 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.
- "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.
- See Standard Industry Piggyback Truss Connection Detail for Connection to base truss as applicable, or consult qualified building designer.

LOAD CASE(S) Standard

Job 18020088	Truss T01	Truss Type HOWE	Qty 19	Ply 1	Job Reference (optional)
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U.S. Truss Company, Springfield, Illinois 62711

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7.600 s Oct 3 2014 MITek Industries, Inc. Wed Aug 08 12:53:52 2018 Page 1

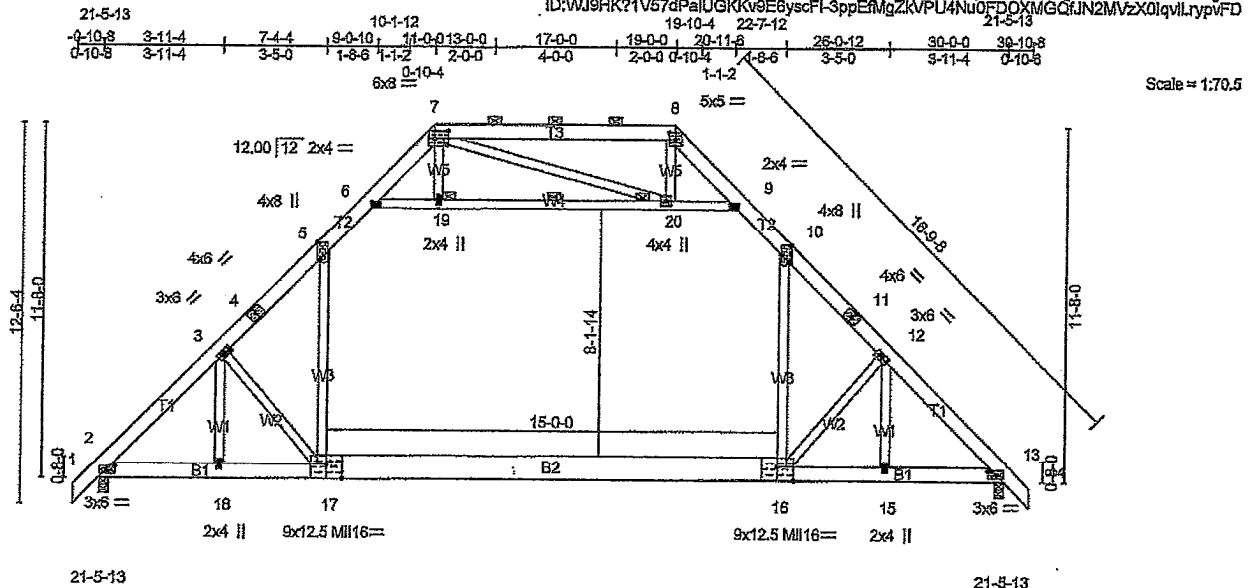


Plate Offsets (X,Y) - [2:0-3-6,0-1-8], [5:0-6-10,Edge], [7:0-5-8,0-3-0], [8:0-2-8,0-2-12], [10:0-6-10,Edge], [13:0-3-6,0-1-8], [16:0-6-4,Edge], [17:0-6-4,Edge]									
LOADING (psf)	SPACING-	2-0-0	CSL	DEFL	in (loc)	I/defl	L/d	PLATES	GRIP
TCLL 30.0	Plate Grip DOL	1.15	TC 0.78	Vert(LL)	-0.34 16-17	>999	240	MT20	244/190
TCDL 10.0	Lumber DOL	1.15	BC 0.65	Vert(CT)	-0.47 16-17	>760	180	ML16	174/128
BCLL 0.0 *	Rep Stress Incr	NO	WB 0.39	Horz(CT)	0.03 13	n/a	n/a		
BCDL 10.0	Code IRC2015/TPI2014		(Matrix)	Attic	-0.28 16-17	686	360	Weight: 275 lb	FT = 20%

LUMBER-	BRACING-
TOP CHORD 2x6 SP No.1	TOP CHORD Structural wood sheathing directly applied or 4-0-14 oc purlins, except
BOT CHORD 2x6 SP 2400F 2.0E *Except*	2-0-0 oc purlins (8-0-0 max.); 7-8,
WEBS 2x4 SP No.1	Rigid ceiling directly applied or 10-0-0 oc bracing.
	1 Row at midpt 19-20
	1 Brace at Jt(s): 19, 20
	MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS. (lb/size) 2=1717/0-3-8 (min. 0-1-10), 13=1717/0-3-8 (min. 0-1-10)
Max Horz 2=311(LC 7)
Max Uplift 2=11(LC 8), 13=11(LC 9)
Max Grav 2=1929(LC 2), 13=1929(LC 2)

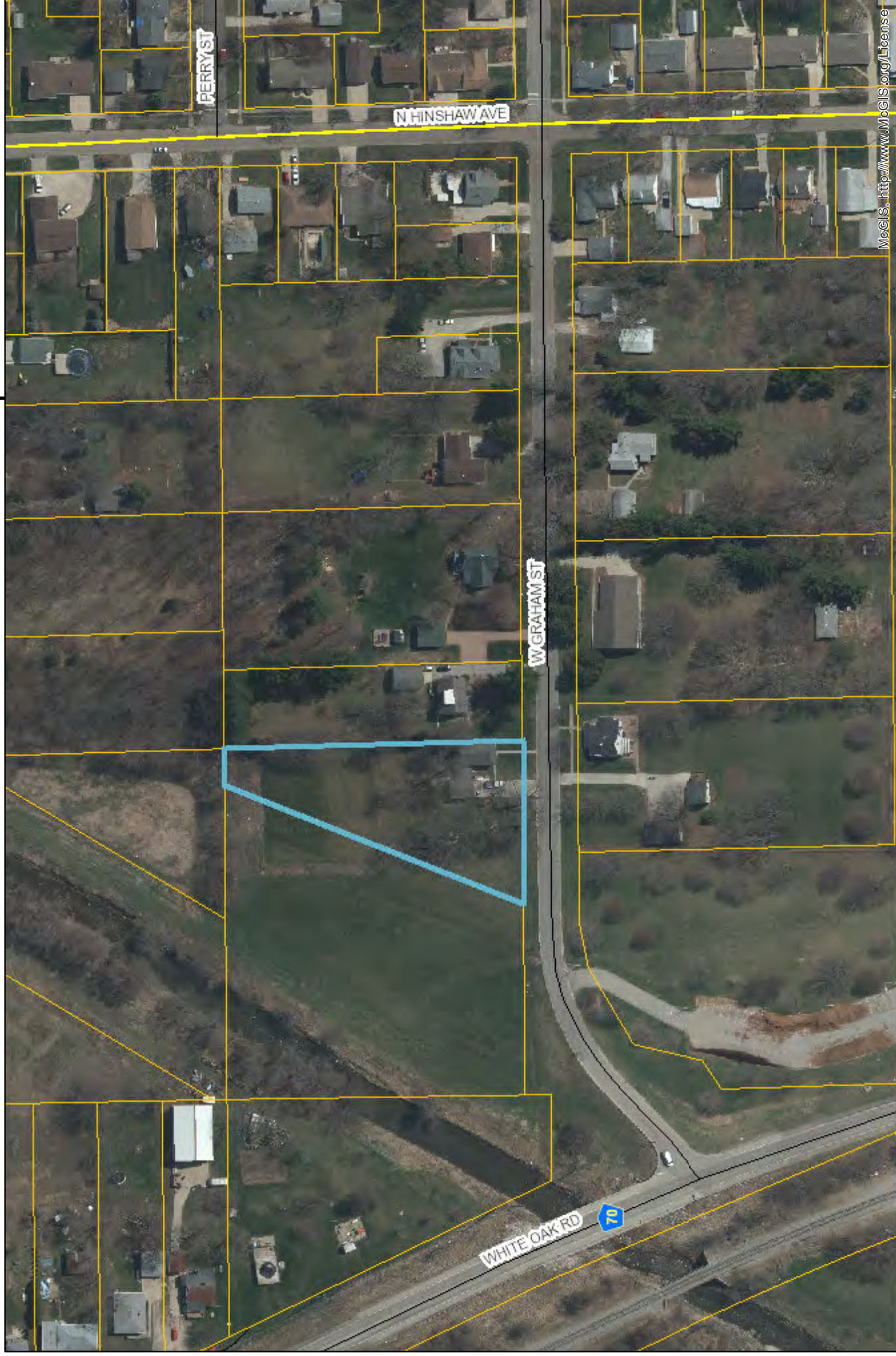
FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
TOP CHORD 2-3=2337/18, 3-4=2414/11, 4-5=2273/37, 5-6=1492/111, 6-7=707/192, 8-9=697/195,
9-10=1493/112, 10-11=2269/40, 11-12=2410/14, 12-13=2338/19, 7-8=459/240
BOT CHORD 2-18=123/1760, 17-18=120/1763, 16-17=0/1575, 15-16=0/1591, 13-15=0/1585
WEBS 3-18=491/193, 3-17=437/330, 5-17=0/1194, 6-19=1470/128, 19-20=1465/130,
9-20=1494/133, 10-16=0/1188, 12-16=437/335, 12-15=485/201

- NOTES-
- Unbalanced roof live loads have been considered for this design.
 - Wind: ASCE 7-10; Vult=115mph (3-second gust) V(IRC2015)=91mph; TCDL=6.0psf; BCDL=6.0psf; h=25ft; Cat. II; Exp C; enclosed; MWFRS (envelope) automatic zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60
 - Provide adequate drainage to prevent water ponding.
 - All plates are MT20 plates unless otherwise indicated.
 - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
 - * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
 - Ceiling dead load (5.0 psf) on member(s). 5-6, 9-10, 6-18, 19-20, 9-20; Wall dead load (5.0psf) on member(s). 5-17, 10-16
 - Bottom chord live load (40.0 psf) and additional bottom chord dead load (0.0 psf) applied only to room. 16-17
 - Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 11 lb uplift at joint 2 and 11 lb uplift at joint 13.
 - This truss is designed in accordance with the 2015 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.
 - "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.
 - Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.
 - Attic room checked for L/360 deflection.

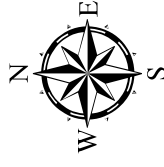
LOAD CASE(S) Standard

1517 W Graham St. Aerial Map

10/3/2018



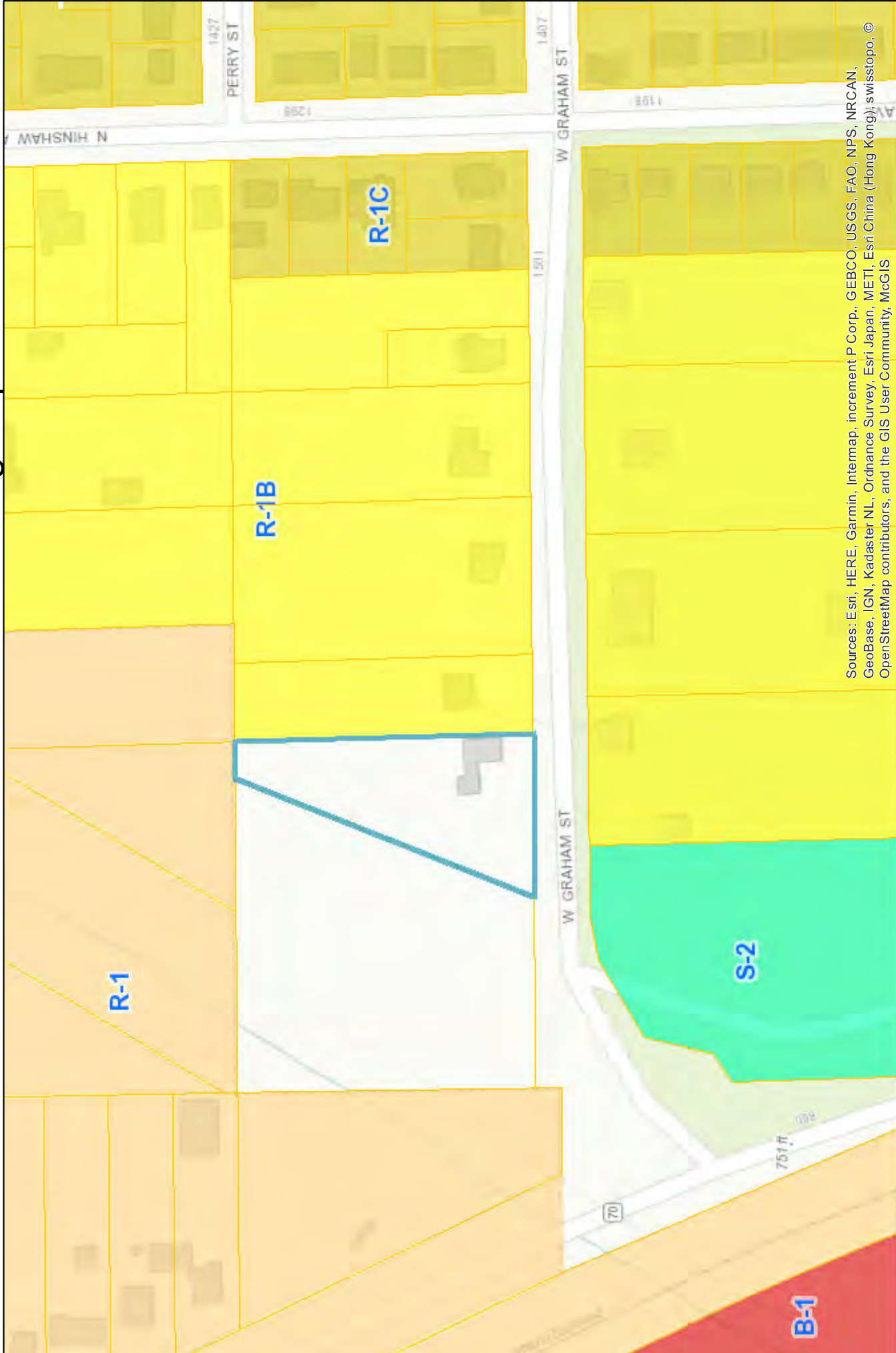
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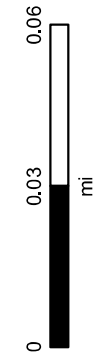
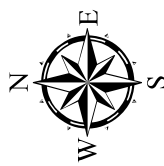


1517 W Graham St. Zoning Map



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, McGIS

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15566
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD
OF APPEALS
OCTOBER 17, 2018

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, October 17, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

Jason Taylor of 1517 W. Graham St. PIN 14-32-378-030 (SUBN LOT 2 HINSHAW'S SUBN SE SW 32-24-2EPT LOT 14 - BEG SE COR, W184.19', NE TO PT 41.20'W NE COR, E TO NE COR, S TO POB), Requesting: 1) an accessory structure greater than 1000 sq ft., a 200 sq ft increase; and 2) an accessory structure greater than the principle building, a 168 sq ft increase; and 3) an accessory structure exceeding 14 ft in height, a 4.5 foot increase, to allow a new garage.

Amber Rogers & Bobby Heinrich of 1015 W MacArthur Ave. PIN 21-08-203-009 (W1/2 LOT 5 KOCHS SUB) Requesting a 2' increase in fence height in the front yard, from the required 4 foot fence height.

All interested persons may present their views upon such matters pertaining to the above referenced cases at the public hearing. The petitioner or his /her Counsel/Agent must attend the meeting. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email

Legal Inside

cityclerk@cityblm.org The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: October 1, 2018



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

October 1, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday October 17, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois**, to hear testimony for a petition submitted by Jason Taylor for approval of a variance request, for the property at **1517 W. Graham St.**, at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting the following: 1) an accessory structure greater than 1000 sf., a 200 sqft increase; and 2) an accessory structure greater than the principle building, a 168 sqft increase; and 3) an accessory structure exceeding 14 ft in height, a 4.5 foot increase, to construct a garage.

LEGAL DESCRIPTION: SUBN LOT 2 HINSHAW'S SUBN SE SW 32-24-2E PT LOT 14 - BEG SE COR, W184.19', NE TO PT, 41.20' W NE COR, E TO NE COR, S TO POB

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented at such hearing.

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The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org.

If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2341.

Sincerely,

A handwritten signature in black ink, appearing to read 'Izzy Rivera', with a stylized flourish at the end.

Izzy Rivera, Assistant City Planner

Attachments:

Map of notified properties within 500 ft of subject property



BRYAN MOORE
1520 FORREST ST
BLOOMINGTON, IL 61701

JAMES KEERAN
1513 W GRAHAM ST
BLOOMINGTON, IL 61701

TERRANCE TAY
1518 W GRAHAM ST
BLOOMINGTON, IL 61701

RICHARD J & MARY C HOENIGES
1512 1514 W GRAHAM
BLOOMINGTON, IL 61704

JOHN E & DORLENE WILLIAMSON
1504 W GRAHAM ST
BLOOMINGTON, IL 61701

JAMES KEERAN
1513 W GRAHAM ST
BLOOMINGTON, IL 61701

SCOTT A & JEANNE L HUDSON
1515 W GRAHAM ST
BLOOMINGTON, IL 61701

TIMOTHY & LISA LEGNER
1507 W GRAHAM ST
BLOOMINGTON, IL 61701

JOHN ANDERSON
1509 W GRAHAM ST
BLOOMINGTON, IL 61701

MARY HOENIGES
1514 W Graham St
BLOOMINGTON, IL 61701

TIMOTHY & LISA LEGNER
1507 W GRAHAM ST
BLOOMINGTON, IL 61701

BLOOMINGTON-NORMAL
RECLAMATION DISTRICT
PO BOX 3307
BLOOMINGTON, IL 61702

JASON TAYLOR
1517 W GRAHAM ST
BLOOMINGTON, IL 61701

MARK BLAIN
1803 BLAIN CT
BLOOMINGTON, IL 61701

BILLY KLETZ
1209 KLETZVILLE RD
BLOOMINGTON, IL 61701

JAMES KEERAN
1513 W GRAHAM ST
BLOOMINGTON, IL 61701

BILLY KLETZ
1209 WHITE OAK RD
BLOOMINGTON, IL 61701

ANDREW SHICKLE
1804 BLAIN CT
BLOOMINGTON, IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 17, 2018**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-21-18	1015 W MacArthur Ave	Variance	Izzy Rivera Assistant City Planner

PROJECT DESCRIPTION:
Construct a 6' privacy fence in the required front yard on a corner lot

PETITIONER'S REQUEST:			
Pertaining to Section of Code: 44.4-5 Lots and Yards			
Type of Variance	Request	Required	Variation
Increase in allowed fence height in required front yard	6'	4'	2' increase

STAFF RECOMMENDATION:	Staff finds that the petition has not met the Zoning Ordinance's standards required to allow a variance. <i>Staff recommends the Zoning Board of Appeals deny the variances for 1015 W. MacArthur Ave.</i>
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N Δ

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on October 1, 2018

GENERAL INFORMATION

Owner and Applicant: Amber Rogers & Bobby Heinrich

PROPERTY INFORMATION

Legal description: KOCH'S SUBN BLK 7 LOEHR'S ADDN W1/2 5

Existing Zoning: R-1C, High Density Single Family Residence

Existing Land Use: Single family home

Property Size: Approximately 6,660 square feet (60 X 110)

PIN: 21-08-203-009

SURROUNDING ZONING AND LAND USES

Zoning

North: R-2, Mixed Residence District

South: R-1C, High Density Single Family

East: R-1C, High Density Single Family

West: R-1C, High Density Single Family

Land Uses

North: Single family homes(s)

South: Single family home(s)

East: Single family home(s)

West: Single family home(s)

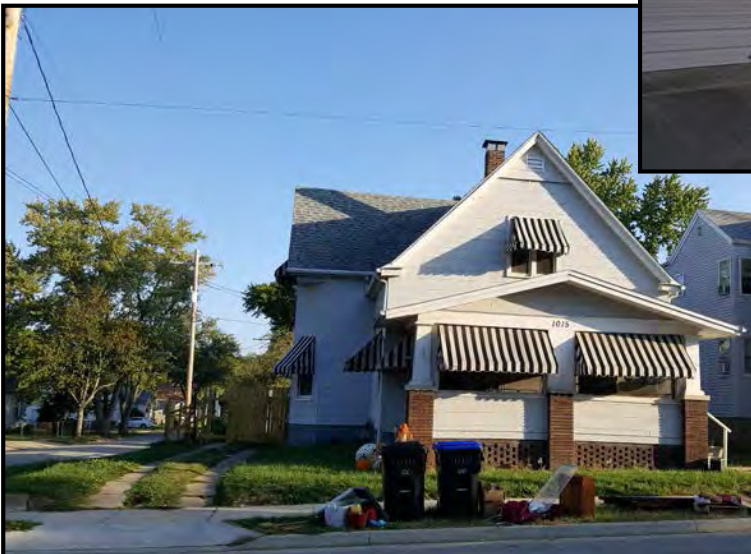
ANALYSIS

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variance
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION



Top: View of subject property from S. Western Ave.
Left: View of subject property from W. MacArthur Ave.

Background:



The subject property, is a corner lot positioned at the northeast corner of W. MacArthur Ave. and S. Western Ave. The subject property has a lot area of, approximately, 6,660 square feet, with 60 feet of lot frontage on W. MacArthur Ave. and is approximately 110 feet deep. The site is part of Kochs Subdivision, Loehr's Addition. According to the Bloomington Township Tax Assessor, the single family home was built in 1925. The home was built with the following setbacks (measured from the foundation of the principal structure to the lot line): front (MacArthur Ave)-6ft; east side-9ft; rear-app. 40ft; west side/front (Western Ave)-12 ft. The subject property is zoned R-1C, High Density Single Family Residential District.

The Zoning Ordinance adopted in 1960 and amended periodically, states that a corner lot should have two (2) required front yard setbacks. Since the home was established before the Zoning Ordinance, the required

front yard setback would be the average front yard setback for the homes on S. Western Ave. Additionally, the homes on Western Ave face either north or south; and no homes between W Elm St and W. Oakland Ave. face S. Western Ave.

Project Description: The petitioner would like to enclose the rear west portion of their lot with a 6 foot privacy fence. The proposed fence would project nine (9) feet into the required front yard on the west side of the lot, and run parallel to the west lot line before connecting with the garage (see site plan attached). The Zoning Ordinance permits a four (4) foot fence by right in the required front yard of a home. The petitioner needs a two (2) foot variance to accommodate the six (6) foot fence.

Fences can be functional and decorative. Fences create a physical barrier intended to contain or restrict people, animals or objects within or from a given area. Privacy fences, typically six feet tall and opaque, can obstruct sight lines and visibility at driveways and intersections. Additionally, tall fences in front of residences function as a visual barrier and can create the appearance of an unsafe, secluded and uninviting neighborhood. Tall, opaque fences in the front yard can also discourage interaction with neighbors. The Ordinance limits taller fences to back yards and permits shorter fences in front yards to reduce sight line obstructions and to promote a welcoming feel from the public right-of-way.

The following is a summary of the requested variations:

Applicable Code Sections:

Pertaining to Section of Code: 44.4-5 Lots and Yards

Type of Variance	Request	Required	Variation
Increase in allowed fence height in required front yard	6'	4'	2' increase

The petitioner began installing the fence without a permit, as seen below, and a stop work order

was issued on September 06, 2018. The petitioner submitted an application for a permit, at which time, they decided to request a variance.



Photograph taken standing in front of garage looking toward W. MacArthur Ave

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact. Staffs' analysis and findings are as follows:

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property is located on the northeast corner of the intersection of W MacArthur Ave. and S. Western Ave. The property was developed prior to the adoption of the zoning ordinance, and prior to the “two front yard setback rule” established after 1960. This city block, on S. Western Ave. between W. MacArthur Ave and W Oakland Ave, is unique because the homes on S. Western Ave. face either north or south; no homes take their address from W. Western between W. MacArthur and W. Oakland. The “front” yards on this block function more like a side and the proposed fence could obstruct sight distances at the driveway and from the alley. It could also obstruct views for pedestrians. **The standard is not met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner could install a four (4) foot fence without necessitating a variance. The petitioner could also set back the fence out of the front yard to install the desired six (6) foot fence. The variance is not the minimum action necessary. **The standard is not met.**

That the special conditions and circumstances were not created by any action of the applicant; and the subject property is a corner lot. Corner lots have additional constraints such as additional setbacks and prohibitions on sight distance obstructions, but these are common throughout the City. The lot also has a two (2) foot change in elevation between the street and the lot line and the Zoning Code Ch. 44.4-5 states the “maximum fence height shall be measured from the established grade of the fence owner’s property”. Therefore there would be no restriction on height based on the grade change. While the lot has some physical challenges, outside of the lack of front facing homes on S. Western Ave. these conditions are fairly common to older parts of Bloomington, and the requested variation appears to be created by the property owner’s request for a taller fence. **The standard is not met.**

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and the immediate area does not have other six (6) foot fences in the front yards. Surrounding properties have four (4) foot chain link fences or six (6) foot fences set outside of the required front yard. Granting the variance for a six (6) foot fence could set a precedence for the area and give the petitioner special privilege denied by others. **The standard is not met.**

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. The proposed fence, at the current location, could obstruct sight distances at the driveway and from the alley. It does not comply with the visibility triangle. It could also obstruct views for pedestrians walking on the sidewalk. The fence could also result in a secluded or uninviting appearance. Since there are no other six (6) foot fences in the area, granting the variance could also alter the character of the neighborhood. **The standard is not met.**

STAFF RECOMMENDATION: Staff finds that the petition has not met the Zoning Ordinance’s standards required to allow a variance. *Staff recommends the Zoning Board of Appeals **deny** the variances for 1015 W. MacArthur Ave.*

Respectfully submitted,
Izzy Rivera
Assistant City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Contours Map
- Aerial Map
- Zoning Map
- Newspaper notice and neighborhood notice
- List of notified property owners

40630

2-21-18

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 1015 W MacARTHUR Ave.

Site Address: _____

Petitioner: AMBER Rogers / Bobby Heinrich Phone: _____

Petitioner's Email Address _____

Petitioner's Mailing Address Street: 1015 W. ~~MacARTHUR~~ MacARTHUR

City, State, Zip Code: Bloomington, IL. 61701

Contractual interest in the property yes no

Signature of Applicant _____

Brief Project Description:

(Build 6' Privacy Fence) beside Retaining wall next to
SIDEWALK DUE TO PROPERTY grade

Code Requirements Involved:

Force must be 10' from sidewalk or be only 4' tall ?

Variances(s) Requested:

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

SEP 24 2018

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

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:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and

*grade of property slopes towards sidewalk which
is why I would like to place new fence at base of grade
see photos.*

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

would be greatly appreciated!

3. That the special conditions and circumstances were not created by any action of the applicant; and

*I removed old fence due to leaning
caused by grade drop.*

4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; ~~and~~

No it should not

5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.

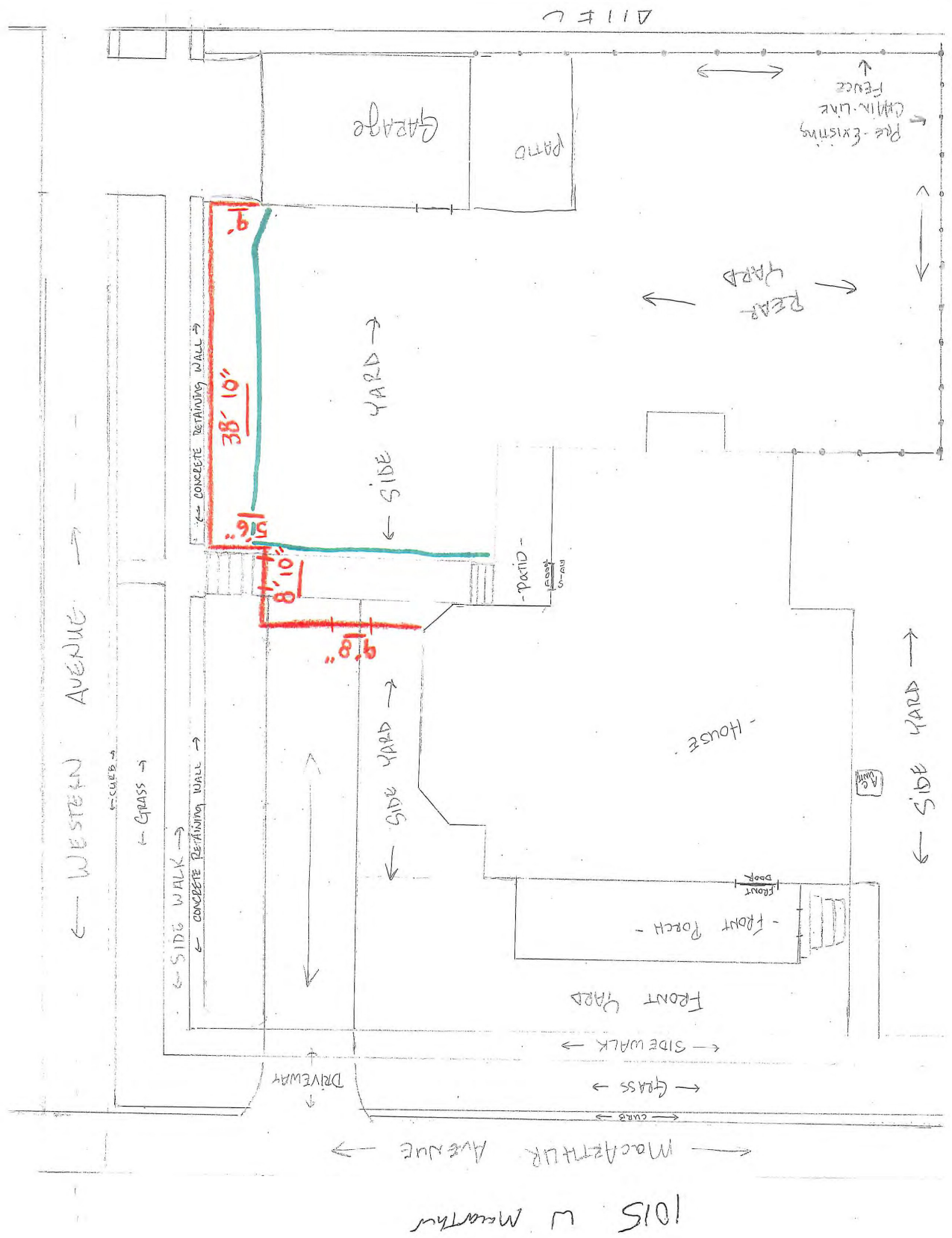
It will not do any of those



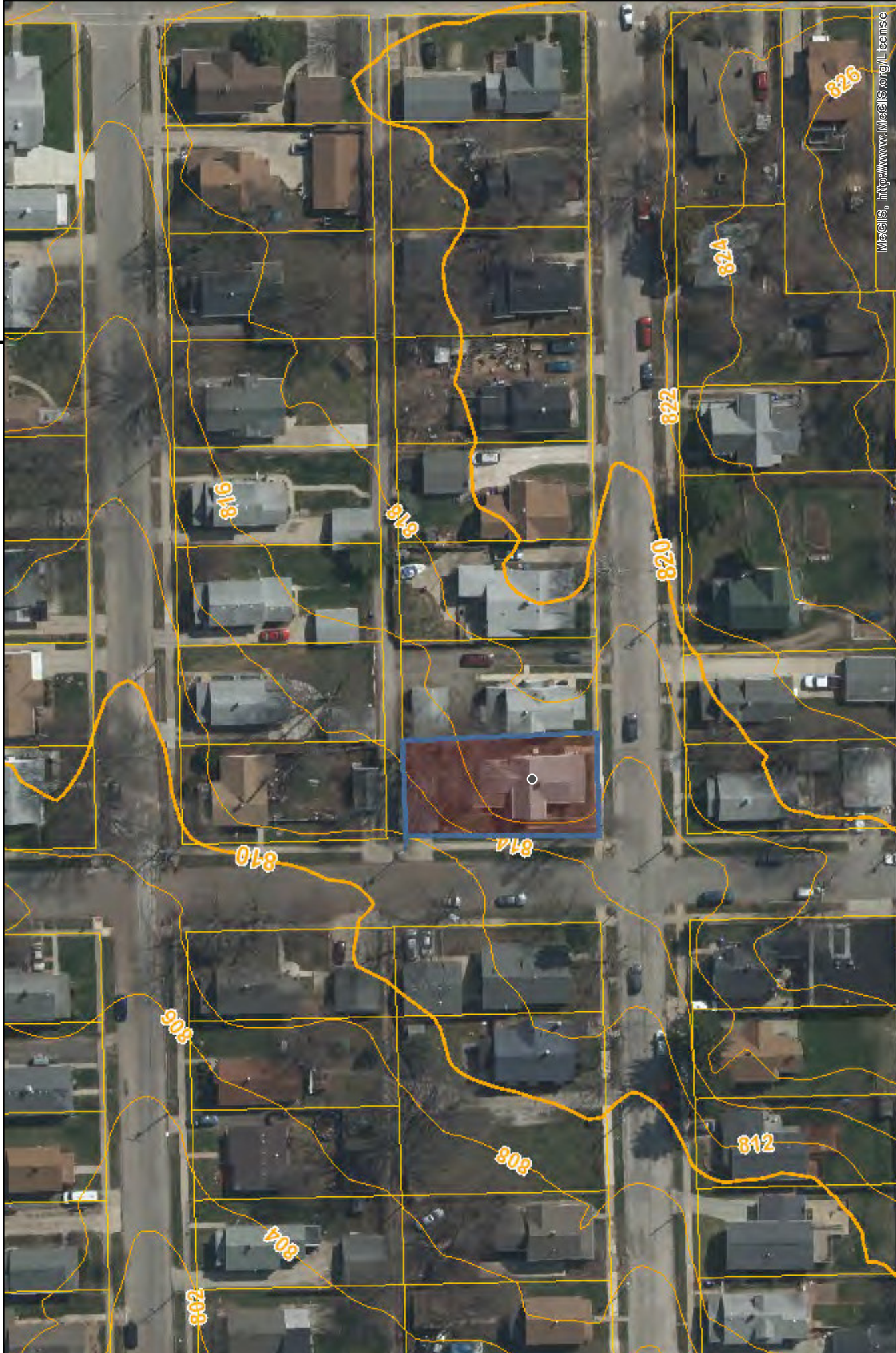


71'8" TOTAL NEW FENCE
 APPROX. COST - \$800.00 - \$1,000.00

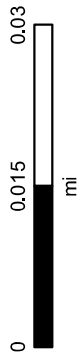
= LOCATION OF NEW 6' PRIVACY FENCE
 - LOCATION OF OLD FENCE THAT WAS REMOVED



1015 W. MacArthur Ave Contours Map



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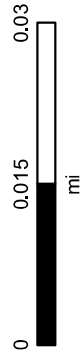
1015 W. MacArthur Ave Aerial Map



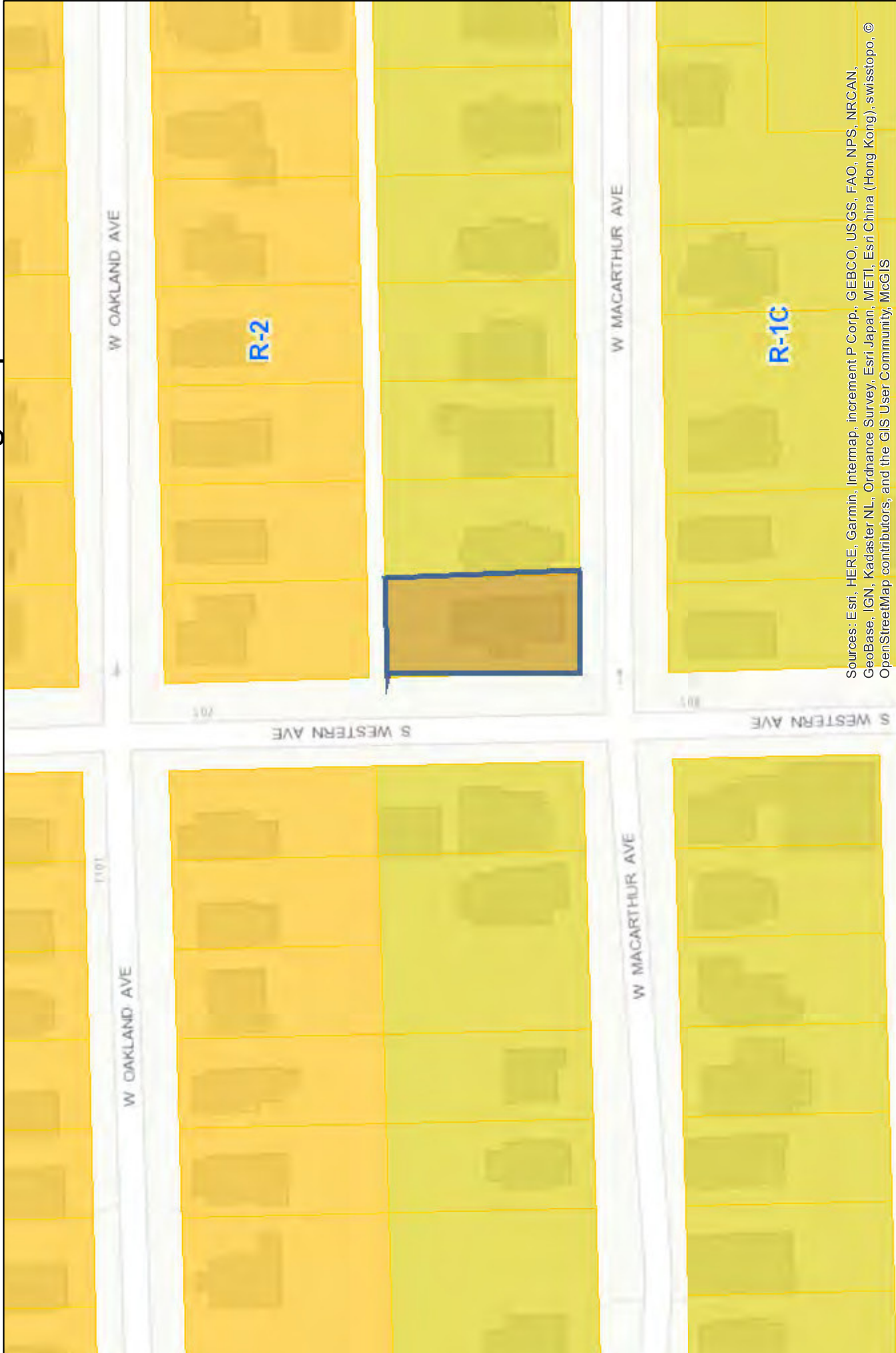
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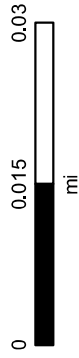
1015 W. MacArthur Ave Zoning Map



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community, McGIS



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Published: October 1, 2018



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

October 1, 2018

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REQUEST

The petitioner is requesting a 2' increase in fence height in the front yard, from the required 4 foot fence height.

LEGAL DESCRIPTION: W1/2 LOT 5 KOCHS SUB

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented at such hearing.

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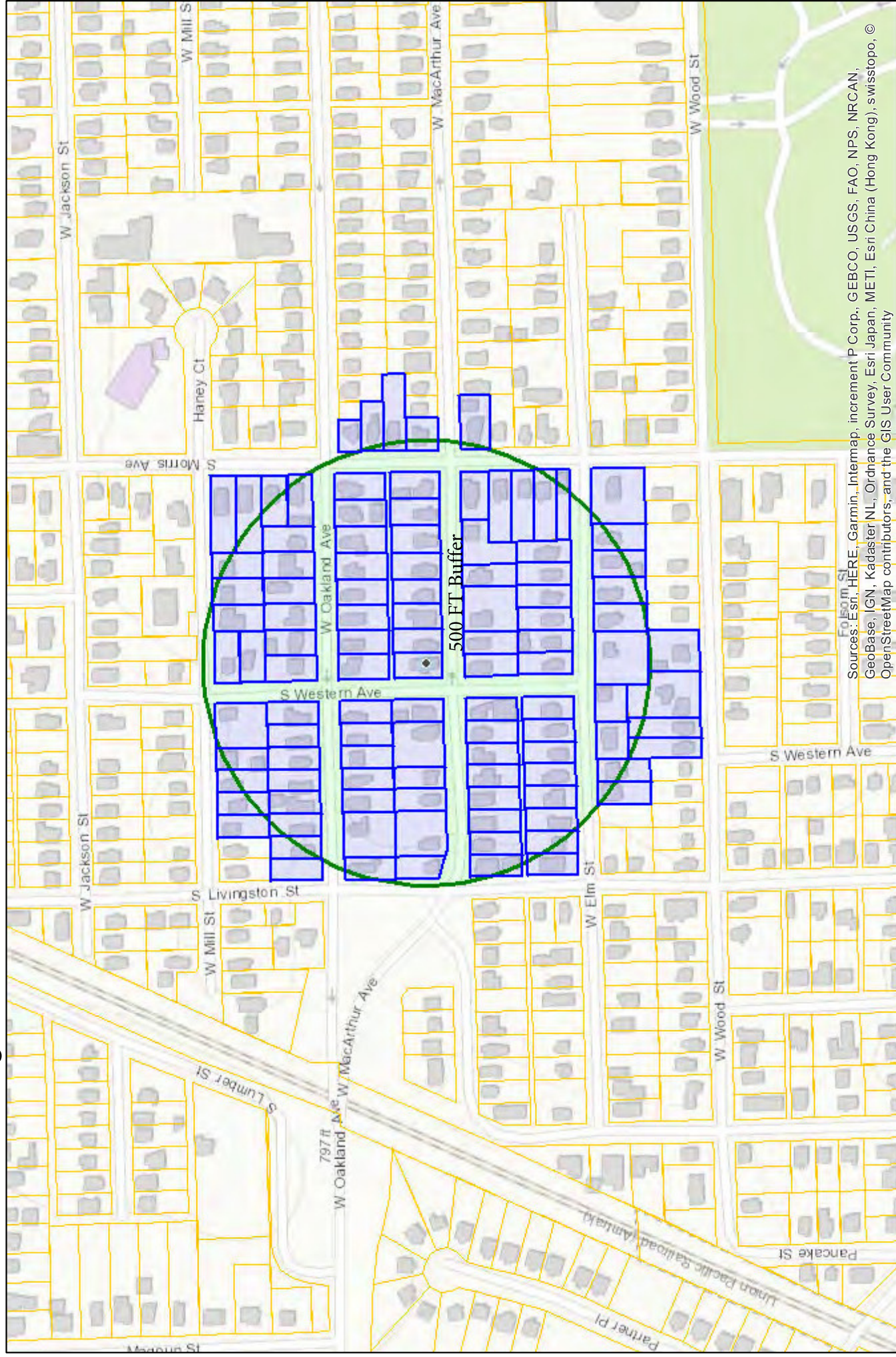
If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2341.

Sincerely,

Izzy Rivera, Assistant City Planner

Attachments:

Map of notified properties within 500 ft of subject property



KARL ARTHUR KEIST
1007 W MACARTHUR AVENUE
BLOOMINGTON, IL 61701

ELIF KARASEN
902 W JACKSON ST
BLOOMINGTON, IL 61701

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CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
October 17, 2018

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-22-18, Z-23-18	Chapter 44, Draft Division 9 and Draft Division 17	Proposed Zoning Text and Map Amendment	Katie Simpson, City Planner

SCOPE OF REVIEW:

That the **Zoning Board of Appeals** review Division 9 (requested by Chairman Bullington) and Division 17 (requested by City Council) of the proposed zoning text and map amendments.

The Board may wish to concentrate on the following sections:

- Division 9—General Provisions, Sections 9-3 Lots and Yards
- Division 9— General Provisions, Sections 9.4 Permitted Encroachments
- Division 9— General Provisions, Section 9.10 Fences

- Division 17—Administrative Procedures, Section 17.2 Decision Making Bodies
- Division 17—Administrative Procedures, Section 17-5 Notice and Public Hearing
- Division 17—Administrative Procedures, Section 17-7 Special Uses
- Division 17—Administrative Procedures, Section 17-8 Variations
- Division 17—Administrative Procedures, Section 17-12 Appeals

STAFF RECOMMENDATION:	<i>Staff recommends the Zoning Board of Appeals provide a positive recommendation to the Planning Commission for Division 9, Use Provisions, as drafted (Case Z-22-18)</i> <i>Staff recommends the Zoning Board of Appeals provide a positive recommendation, with any amendments, as deemed necessary and approved by motion of the Zoning Board of Appeals, to the Planning Commission for Division 17, Administrative Procedures (Case Z-23-18)</i>
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GENERAL INFORMATION

Applicant: Planning Division, City of Bloomington

PROJECT DESCRIPTION

Background

In August 2015, the City of Bloomington adopted its award-winning Comprehensive Plan 2035. In 2016, the City engaged the professional services of Houseal Lavigne & Associates (HLA), a planning consulting firm from Chicago, IL, to begin a comprehensive revision to the Zoning Ordinance, Chapter 44 of the Bloomington City Code.

Process and Approach

Amending Chapter 44 accomplishes the following objectives:

- Alignment with the Comprehensive Plan
- Modernizing the Zoning Ordinance
- Preserving Priority Places such as downtown or neighborhoods
- Finding the Right Approach (consolidating and eliminating similar or unnecessary districts, respectively)
- Clarifying regulations, ordinance structure, and processes
- Addressing transition areas between commercial, manufacturing and residential districts,
- Making Bloomington more competitive with other communities
- Providing clear graphics to illustrate difficult or complex concepts

HLA hosted a kick-off meeting in October 2016 with the Bloomington Planning Commission and a meeting with local developers. A copy of the minutes are attached to this report. HLA also performed an analysis of variances and PUDs approved from the past ten years to identify areas of the ordinance that may need to be amended. They reviewed the Comprehensive Plan and provided recommendations to staff and the Planning Commission for how to amend the zoning ordinance to achieve a number of goals in the of the Comprehensive Plan. Listed below are a few of the goals from the Comprehensive Plan that align with the zoning ordinance update:

- N-1.1 Enhance the livability of all Bloomington neighborhoods.
- N-1.1a Update ordinances and regulations to accomplish the goals of the comprehensive plan.
- N-1.1e Update the ordinances and codes to reflect the unique needs of the Regeneration, Preservation, and Stable Areas and preserve their character.
- 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.
- H-1.1a Review and improve the current ordinances, codes, regulations, and permitting processes and fees, as needed and desirable, to provide more efficient mechanisms for new developments and redevelopment opportunities.
- ED-4.3 Facilitate and enhance pedestrian-friendly neighborhood centers to support mixed use developments.
- ED-4.4 Evaluate commercial land use needs in the context of changing economic trends.
- D-2.5 Consolidate retail uses within in the Downtown core.
- D-2.6 Encourage commercial and corporate uses along the U.S. 51 corridor surrounding the Downtown core.

Agenda Item C and D
Z-22-18, Z-23-18
Zoning Ordinance Amendments

- D-5.1 Improve parking conditions and access and encourage shared public and private parking supplies.
- HL-5.1e Identify and remove regulatory barriers and develop mechanisms to provide permanent community garden plots. Ex: Amend the zoning ordinance to define community gardens and allow them in residential areas a permitted use.
- HL-5.1 Encourage local food production.
- NE-2.1 Increase the diversity, quality, and quantity of tree cover and greenery throughout the City.

Information about the proposed text and map amendments is available online at:

<http://www.cityblm.org/government/departments/planning-zoning/proposed-zoning-amendments>

An informational brochure is attached to this packet for reference. A public hearing with the Planning Commission is scheduled for October 24, 2018 at 4:00 p.m. in the City Council Chambers at 109 E. Olive St.

Proposed Text and Considerations

Staff are in the process of gathering feedback from the public regarding the draft divisions published online, and request feedback and a recommendation from the Zoning Board of Appeals regarding Division 9, Use Provisions, and Division 17, Administrative Procedures.

Case Z-22-18 Division 9—General Provisions

Division 9 applies to all zoning districts. The Zoning Board of Appeals frequently reviews variance requests for relief from the standards of Division 9. HLA analyzed variance petitions from the past 10 years, the draft Division 9 incorporates recommendations they believe to be necessary. The Planning Commission reviewed Division 9 on August 23, 2017 and provided commentary on the draft division. Minutes from that meeting are attached to this report. The version of Division 9 attached to this report and before the Zoning Board of Appeals for a recommendation incorporates the suggested changes from the Planning Commission. The following subsections of Division 9 are probably the most relevant to the Zoning Board of Appeals:

- Division 9—General Provisions, Sections 9-3 Lots and Yards
- Division 9— General Provisions, Sections 9.4 Permitted Encroachments
- Division 9— General Provisions, Section 9.10 Fences

The most notable changes are to Division 9, Section 9.10 Fences. The proposed draft is more specific than the existing language, clarifying acceptable materials, directly prohibiting barbed wire, and requiring the finished side of the fence to face away from the property. No changes are proposed to the maximum heights of fences in yards and districts but a table is provided to help clarify the regulations. Graphics will also be added to help clarify the location of front, side, and rear yards.

Staff recommends the Zoning Board of Appeals provide a positive recommendation to the Planning Commission for Division 9, Use Provisions, as drafted (Case Z-22-18)

Case Z-23-18 Division 17—Administrative Procedures

The purpose and intent of Division 17 is to

- Provide a clear and comprehensible development review process that is fair and equitable to all interests including applicants, effected neighbors, and the City;

Zoning Ordinance Amendments

- 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;
- Ensure that land, parcels, and lots are appropriately developed so that their use and operation comply with all applicable requirements of this Chapter;
- 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.

This Division explains the Zoning Board of Appeals powers, scope of review, and public hearing procedures. The Division also outlines rights and responsibilities of variance, special use and administrative appeal applicants. On October 1, 2018, the City Council directed Staff to provide Division 17 to the Zoning Board of Appeals for review, discussion and action on Division 17.

Staff recognizes that, in light of recent discussions, the Zoning Board of Appeals may have specific recommended amendments to variance and sign variance procedures and recommendations. Staff is supportive of eliminating the standards for variances pertaining to signs and of instead, applying the general standards for variances applicable in other cases to sign code petitions. Similarly, staff acknowledges that state statute does not require an appeal to the City Council when less than five Zoning Board of Appeals members reject a variance petition. The proposed draft reflects the existing zoning ordinance. If the Zoning Board of Appeals would like to amend the proposed ordinance to reflect some of the aforementioned changes, they have an option to do so, and can provide a recommendation with the changes they deem necessary.

STAFF RECOMMENDATION:

*Staff recommends the Zoning Board of Appeals **provide a positive recommendation to the Planning Commission for Division 9, Use Provisions**, as drafted (Case Z-22-18)*

*Staff recommends the Zoning Board of Appeals **provide a positive recommendation**, with any amendments as deemed necessary and approved by motion of the Zoning Board of Appeals, **to the Planning Commission for Division 17, Administrative Procedures**. (Case Z-23-18)*

Respectfully submitted,

Katie Simpson,
City Planner

Attachments:

- Draft Division 9 drafted July 2018
- Draft Division 17, drafted July 2018
- October 26, 2016 Planning Commission Minutes
- Informational Brochure
- August 23, 2017 Planning Commission Minutes

BLOOMINGTON ZONING ORDINANCE – DIVISION 9

DIVISION 9. GENERAL PROVISIONS

- 44.9-1 – Applicability**
- 44.9-2 – General Exceptions**
- 44.9-3 – Lots and Yards**
- 44.9-4 – Permitted Encroachments**
- 44.9-5 – Principal Building on a Lot**
- 44.9-6 – Access for Buildings**
- 44.9-7 – Temporary Uses**
- 44.9-8 – Accessory Buildings and Uses**
- 44.9-9 – Sight Distance Requirements**
- 44.9-10 – Fence Regulations**
- 44.9-11 – Performance Standards**

44.9-1 – APPLICABILITY

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

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 (6) 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 non-conforming, it shall be subject to the provisions of Division 44.12 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 for 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 **Chapter 3** of the Bloomington City Code, 1960, as amended.

- D. Conversion Back to Single-Family Dwelling. It shall be permitted to convert any structure originally designed as a single-family dwelling back to a single-family dwelling in any zoning district established by Chapter 44, **Section 44.5-5.1** 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.

44.9-3 – LOTS AND YARDS

- A. The minimum yard space required for one (1) 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 (2) 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 (2) 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 (1) ownership, they shall be used as one (1) zoning lot for such use.

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 44.9-5** and this **Division 44.9**.

TABLE 44.9-5: PERMITTED ENCROACHMENTS			
Encroachment	Front Yard	Side Yard	Rear Yard
Accessory buildings and uses as provided in Section 44.9-9 of this Code	No	No	Yes
Advertising signs, devices, and nameplates in accordance with Chapter 3 of the Bloomington City Code,	Yes	No	No
Agricultural use	Yes - Excludes buildings & 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		

Note: Any highlighted references refer to the current zoning code and will be updated to accurately reflect references in the proposed code upon completion of its drafting.

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 ft from front lot line	No	No
Chimneys	Projecting ≤ 2 ft. into required yard		
Detached residential garages and carports	No	No	Yes
Eaves and Gutters	Yes	Projecting ≤ 2 ft. into required yard	Yes. Accessory structure eaves & gutters set back ≥ 2 ft from lot line.
Fences as provided in Section 44.9-11 of this Code	Yes	Yes	Yes
Off-street parking facilities as provided in Division 7 of this Code	No	Yes	Yes
Balconies, open porches, terraces, and decks	Projecting ≤ 10 ft into required yard	No	Yes
Refuse storage areas (dumpsters)	No	Yes ¹	Yes
Sills, belt cornices, and other similar architectural features	Extending ≤ 18 " into required 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
1. If in side yard, must be screened from view from public and/or private streets, as approved by the Director of Community Development.			

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 percent of the sidewalk directly fronting the building or use with which they are associated, provided a minimum 4' 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.

1. Planters
2. Hanging Planters (attached to building, canopy, or awning)
3. Sidewalk Dining (as regulated in Division ?? of the Municipal Code)
4. Sidewalk Sales (related merchandising and displays)
5. Sandwich Board Signs (as regulated in Division 14 of this code)
6. Awnings and canopies (not more than 4' from the face of the building; 8' min clearance above sidewalk)

44.9-5 – PRINCIPAL BUILDING ON A LOT

- A. In an R-1A, R-1B, or R-2 District, not more than one (1) 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 and subject to the site plan review requirements in **Division 8** of this Code, more than one (1) 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.

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.

44.9-7 – TEMPORARY USES

- A. Farmers' Markets and Temporary Sales on Business Premises. 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 of worship or other institutional use in all districts. Temporary sales of goods and services may be conducted on the premises of business in any non-residential zoning district. The following requirements shall apply:
 - 1. Excluding farmers' markets, no more than three (3) temporary sales ~~are~~ may be held on the same premises during any calendar year.
 - 2. Excluding farmers' markets, the duration of temporary sales shall be limited to no more than three (3) consecutive days and during the regular hours of the principal business.
 - 3. Farmers' markets may be conducted on a weekly or semi-weekly basis for a period of up to six (6) consecutive months during any calendar year.
 - 4. Farmers' markets and 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 farmers' market or sale approved by the Community Development Department;
 - d) Consent of the principal business owner/property owner;
 - e) A surety bond of at least \$3,000.00;
 - 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 Community Development Department; and
 - m) \$50.00 filing fee per location or an annual fee of \$250.00 shall be applicable for Mobile Food Vending operations per **Section 44.4-4 G**.
- 5. 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 Section **44.9-8 A.3** (a), (b), (c), and (l).
- 6. No farmers' market or 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.
- 7. No farmers' market or sale shall be allowed closer than fifteen (15) feet from the front property line.
- 8. No farmers' market or 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.
- 9. No food sale for consumption shall be allowed without approval of the McLean County Health Department.
- 10. Where businesses abut a residential property, no farmers' market or sale will be allowed without the installation of an opaque fence at least six (6) feet high to protect said property from the activity.
- 11. The premises must be cleaned of goods and debris after each farmers' market or sale.
- 12. No sound system shall be used in conjunction with the farmers' market or sale.
- B. 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 Subsection **44.9-8 A.3** (a) and (b) herein.
- C. 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 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.
- D. Temporary sales conducted during a civic event recognized by the City of Bloomington shall not be subject to the provisions of this Subsection **44.9-8**.
- E. 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 **Division 7** of this Code;
 3. A permit for temporary outdoor storage use shall be obtained from the Community Development Director prior to the placement of any containers or materials.
 4. No containers shall be permitted on a site more than 90 days in any calendar year.
- F. All signs and their use shall comply with **Chapter 3** of the Bloomington City Code, 1960, as amended.

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 sub-section and any additional requirements of **Division 10**.
 1. Beekeeping.
 2. Chicken Keeping.
 3. Columbariums, when accessory to a place of worship, cemetery, mortuary.
 4. Home Occupations
 5. Roadside Stands
- 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. (For exemptions see **Section 44.9-5** of this Code).
 2. Accessory buildings and structures shall comply with Table 44.9-9.

TABLE 44.9-9: ACCESSORY 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'	3'	10' *
Residential Districts	14'	10'	3'	10' *
Business Districts	Equal to permitted height of district	10'	3'	10' *
Manufacturing Districts	Equal to permitted height of district	10'	3'	10' *

Note: Any highlighted references refer to the current zoning code and will be updated to accurately reflect references in the proposed code upon completion of its drafting.

Public Interest Districts	Equal to permitted height of district	10'	3'	10' *
* When the entrance to the accessory building for motor vehicles is parallel to and facing such alley right-of-way line				

3. The foregoing height limits shall not apply to telecommunication antennas and telecommunication antenna facilities authorized pursuant to **Section 44.4-9 and Division 10** of this Code.
4. The gross floor area of an accessory building or structure to be constructed in any zoning district shall not exceed thirty (30) percent of the rear yard, nor shall it exceed following:
 - a) In an agricultural district or the R-1A, R-1B, R-1C, 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 one thousand (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 one hundred forty-four (144) square feet in area and a maximum height of twelve (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 fourteen (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 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 in such principal building.
8. No incinerator shall be hereafter constructed, erected, placed, structurally altered, or enlarged in or within two thousand (2,000) feet of property in a residential district.

- 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.

44.9-9 – 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 two and one-half (2½) feet and ten (10) feet above the top curb line grades of intersecting streets in the area defined by the visibility triangles illustrated in **Figure I and Table I in Appendix A of this Code.**
- 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 two and one half (2½) and ten (10) feet above the curb top elevation of the street within the visibility triangle area formed by the street curb line intersection with the driveway or alley pavement line, and with the hypotenuse (third side of the triangle) connecting said curb line and said pavement line at distances from their intersection equal to twenty (20) feet along the driveway or alley line and thirty (30) feet along the street curb line.

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. 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 44.9-11: MAXIMUM PERMITTED FENCE HEIGHT

Note: Any highlighted references refer to the current zoning code and will be updated to accurately reflect references in the proposed code upon completion of its drafting.

Districts	Front yard	Side Yard	Rear Yard
Agricultural Districts	8'	8'	8'
Residential Districts	4'	6'	6'
Business Districts	4'	8'	8'
Manufacturing Districts	-	-	-
Public Interest Districts	4'	8'	8'

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 ordinance.
- 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 44.9-12: 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
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 (5) 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 (1) hour period during the hours of the use's operation.
- D. Outdoor Lighting.

1. General. All outdoor lights used to illuminate any lot in a business, manufacturing or public interest district that is adjacent to or across a street from any lot in a residential district shall be so shielded and directed as to protect such residentially zoned lots from direct or reflected glare.
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 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:
 - 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 luminaries.
 - 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 luminaries 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 Community Development.
6. Facade and Fascia Lighting.
 - a) The exterior building facade lighting power shall not exceed 0.25W/ft² of the illuminated area. Floodlights used for facade lighting may be no farther from the building than one-third (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 ordinance.
 - 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.

BLOOMINGTON ZONING ORDINANCE – DIVISION 17

DIVISION 17. ADMINISTRATIVE PROCEDURES & ENFORCEMENT

44.17-1 – Purpose and Intent

44.17-2 – Decision-Making Bodies (BZA, HPC, PC)

44.17-3 – General Application Requirements

44.17-4 – Application Processing

44.17-5 – Notice and Public Hearings

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44.17-12 -- Appeals

44.17-13 – Zoning Enforcement Officer

44.17-14 – Zoning Compliance Certificate

44.17-15 – Zoning Verification Letters

44.17-16 – Complaints and Penalties

44.17-1 – PURPOSE AND INTENT

The purpose and intent of this Division 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.

44.17-2 – DECISION-MAKING BODIES (BZA, HPC, PC)

A. General.

- 1. Terms. A person appointed to the Board of Zoning Appeals, Historic Preservation Commission or Planning Commission shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3)

year terms. Members of the Board shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). Vacancies shall be filled for the unexpired term only. Members may be recalled for cause as provided by **Chapter 2, Section 80**, of the Bloomington City Code, 1960 as amended.

2. Officers.

- a) Officers of the Board of Zoning Appeals, Historic Preservation Commission and Planning Commission shall consist of a chairperson, a vice-chairperson and a secretary elected by the board or commission, who shall each serve a term of one (1) year and shall be eligible for reelection; but no member shall serve as chairperson for more than two (2) consecutive years.
- 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.
- d) The secretary shall have the following duties:
 1. Take minutes of each meeting;
 2. Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the board or commission to the members of the board or commission;
 3. Advise the Mayor of vacancies on the board or commission and expiring terms of members; and
 4. Prepare and submit to the City Council a complete record of the proceedings before the board or commission on any matter requiring Council consideration.

3. Meetings.

- a) A quorum shall consist of a majority of the members. 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 open to the public.
- f) The board or commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Community Development Department and shall be a public record.

B. Board of Zoning Appeals

1. Creation. The Board of Zoning 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.

2. Composition. The Board of Zoning Appeals shall consist of seven (7) members who are residents of the City of Bloomington, Illinois.
 3. Powers and Duties.
 - a) To establish or amend its procedural rules as necessary to facilitate the performance of its duties;
 - b) To recommend to the City Council amendments to this Zoning Ordinance;
 - c) To conduct administrative public hearings, make findings of fact, and recommend approval or disapproval to the City Council applications for special uses (**Section 44.17-7**);
 - d) 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 Community Development or his deputies or assistants in the enforcement of this Code;
 - e) To conduct administrative public hearings, make findings of fact and grant or deny variations in the manner provided herein;
 - f) To hear appeals of decisions made pursuant **to Division 14 of this Zoning Ordinance** relating to the denial of permits, the removal of illegal signs or the granting of variances, except when said appeal is brought pursuant to **Article 7 of Chapter 3**, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code; and
 - g) To give advice to the Sign Code Administrator when requested.
 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 (7) 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 (5) 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 (1) member of the Preservation Commission should, if possible, be an Illinois registered architect, one (1) an attorney and one (1) 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 ~~an ongoing~~ 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 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;
- 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 for the purposes of **Section 44.5-15 A** of this Code. 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 and the purposes of Section 44.6-15 A. of this Code;
- 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 ~~shall~~ may undertake an ongoing 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 shall 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 shall 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 ~~all~~ 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 ten (10) members who are residents of the City of Bloomington, Illinois.
3. Powers and Duties
 - a) To conduct legislative public hearings and submit reports and recommendation 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 **Division 15 of this Zoning Ordinance**;
 - 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 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 second and fourth 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.

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. 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.

C. Property owner endorsement.

1. All applications shall include the name and signature of the current property owner(s) of all property within the boundaries; or
2. 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.

D. Filing fees.

1. All applications shall be accompanied by the associated filing fee and shall be filed with the applicable review official or body.
2. Each application shall be accompanied by a check, payable to the Treasurer of the City, or a cash payment, to cover the cost of publication, posting, and hearings. Said amount shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code.
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.

44.17-4 – 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 (7) 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 thirty (30) days, the application shall be considered withdrawn and returned to the applicant.
5. All applications must be deemed complete at least twenty-one (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 Division to such other public officials and agencies as required by law or as deemed appropriate for further review.

C. Staff Reports. The Director of 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 (7) days prior to the meeting or hearing of the review- and/or decision-making body before which the application is to be heard.

D. Concurrent Applications.

1. If approved by the Director of Community Development, applications for development approvals may be filed and reviewed concurrently; provided, however:
 - 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 (1) year after the date of denial, except if the Director of 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.

F. Effective Period of Application. An application shall be valid for a period of two (2) years from the date on which it was first filed with the Community Development Department.

1. An application that is not processed completely in accordance with city ordinances and regulations within two (2) years shall automatically lapse and become null and void without further action by the City; except that the Director of Community Development may extend the application for a period of up to six (6) months upon written request of the applicant.
2. After the application has lapsed, all fees paid by the applicant shall be forfeited and any successive application shall be accompanied by the fees required by this Code.
3. An application may be withdrawn by the applicant at any time prior to its approval. Such request for withdrawal shall be submitted in writing and shall be deemed a final action.

44.17-5 – NOTICE AND PUBLIC HEARINGS

A. Required Legal Notice. After an application has been certified complete as required by **Section 44.17-4**, the applicable review or decision-making body shall fix a reasonable time for the hearing of the application or appeal. Notice of the time and place of such a legislative or administrative hearing shall be given in accordance with the laws of the State of Illinois.

1. The Zoning Administrator or designee shall publish notice of the request for hearing in a newspaper of general circulation in the City of Bloomington.
2. Notice shall also be sent by first class mail or personal delivery to the property owner of record of all parcels, lying in whole or in part within three hundred (300) feet, inclusive of public right-of-way, of the property lines of the property for which the action is requested.

3. The notice shall be given at least fifteen (15) days, but not more than thirty (30) days before the date the application will be considered for approval.
 4. 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;
 - e) When and where written comments will be received concerning the request; and
 - f) 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 Community Development in the manner described herein. Distribution of courtesy notice shall not constitute a precedent for future notice on the subject application or on any future application.
1. Posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the Community Development Department.
 2. Mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.
- C. Administrative Public Hearing Procedure.
1. Notice for all administrative public hearings shall be given in accordance with **Section 44.17-5 A**. Administrative public hearings shall be held at regularly scheduled times, except when conditions require a special meeting.
 2. Parties. The applicant, the City and the person filing a written entry of appearance are all parties to an administrative public hearing procedure;
 3. Testimony. Any person may submit written comment which shall be made part of the public record, or may appear and testify at an administrative public hearing, either in person or by a duly authorized agent or attorney;
 4. Oaths of Affirmations. The chairperson or in his or her absence, the acting chairperson, may administer oaths or affirmations;
 5. 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 (5) 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.
 6. Hearing Procedures. 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:
 - a) Parliamentary procedures shall be followed. Robert's Rules of Order, except when otherwise provided by law ~~and when not~~ or in conflict with these rules and procedures, shall govern on all questions of parliamentary procedure.

- b) Order of Business. The business of the board or commission shall be taken up for consideration in the following order:
 - 1. Call to Order by the secretary;
 - 2. Roll Call by the secretary;
 - 3. Review and approval of the minutes of the previous meeting;
 - 4. Consideration of Petitions. The following procedure shall be used in the consideration of each petition:
 - a. The chairperson shall provide a short description of the petition;
 - b. The secretary shall report whether notice of the public hearing was given as required by this Code and whether courtesy notices were mailed to the owners of property most affected by the petition;
 - c. The chairperson shall read the applicable Section of this Code which applies to the petition;
 - d. The chairperson shall invite persons at the public hearing to speak in favor of the petition;
 - e. The chairperson shall invite persons at the public hearing to speak against the petition;
 - f. The chairperson shall invite other persons at the public hearing to express their opinions concerning the petition;
 - g. The chairperson shall close the public hearing and allow time for members of the board or commission to discuss the petition;
 - h. 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 petition shall vote "Yes", those in favor of denying the petition shall vote "No", and those wishing to abstain from voting on the petition shall vote "Present". A concurring vote of four (4) members of the Board of Zoning Appeals shall be required to approve or recommend approval of a petition. Board members shall cast their votes on roll call by the Secretary;
 - i. The Chairperson shall then review the Board of Zoning Appeals action and discuss the procedures to be followed for the benefit of the petitioner.
- 7. Record Keeping:
 - a) The board or commission shall make a sound recording of all administrative public hearings and shall retain such tape for not less than six (6) 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 (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. 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 City Clerk a copy of every rule, decision, or determination.
- 8. 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 (5) days of such decision.
- D. Legislative Public Hearing Procedure.
 - 1. Notice for all legislative public hearings shall be given in accordance with **Section 44.17-5 A**. 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 (5) 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.
 - 6. Transmittal of Recommendation to Council. A copy of the meeting minutes and any reports or recommendations shall be filed with the City Clerk 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.

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.
- B. Initiation of Amendment. Amendments to the zoning map may be proposed by the City Council, property owners or parties to a valid and enforceable purchase option contract.

Amendments to the Zoning Ordinance, that is, zoning text amendments, may be proposed by a motion or resolution of the City Council.

C. Application.

1. An application for a map amendment shall be submitted on the form provided by the Office of the City Clerk.
2. Applications shall conform to the requirements of **Section X**. In addition to the minimum requirements of the application, the Director of Community Development may request additional information necessary to facilitate a review of the application.

D. Action by Director of Community Development. Upon submission of a complete application, the Director of Community Development shall review the application for compliance with **Paragraph G** of this Section and other applicable requirements and prepare a written report.

E. Action by Planning Commission.

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.
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 ~~for which~~ this Code and shall not recommend the adoption of an 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) The suitability of the subject property for uses authorized by the existing zoning;
 - b) The length of time the property has remained vacant as zoned considered in the context of land development in the area;
 - c) The suitability of the subject property for uses authorized by the proposed zoning;
 - d) The existing land uses of nearby property;
 - e) Existing zoning of nearby property, 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;
 - 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;
 - 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;
 - 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 **Division 2** herein.

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 (3) 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 twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered or by the owners of twenty percent (20%) of the frontage immediately adjoining or across the alley therefrom is filed with the City Clerk, the amendment cannot be passed except on the favorable vote of two-thirds (2/3) of the Aldermen of the City then holding office.
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 (1) 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.

44.17-7 – 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 particular use and any conditions imposed by the City Council in the ordinance granting the special use permit. Such 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 City Clerk.
 - 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 **Section 44.17-3**. 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 **Division 13** of this Zoning Ordinance.
- E. Action by Director of Community Development. Upon submission of a complete application, the Director of Community Development shall review the application for compliance with **Paragraph H** of this Section and other applicable requirements and prepare a written report.
- F. Action by Board of Zoning Appeals.

1. Hearing. Upon receipt in proper form of the application and supporting material referred to above, the Board of Zoning Appeals shall hold a least one (1) administrative public hearing on the proposed Special Use in the manner provided in **Section 44.17-5**. 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.
 2. Recommendation. For each special use application, the Board of Zoning Appeals 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.
- 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.
- H. Standards of Approval. No special use application shall be recommended by the Board of Zoning Appeals or approved by the City Council unless it is found:
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 Board of Zoning Appeals.
- I. Conditions and Guarantees. Prior to the granting of any special use application, the Board of Zoning Appeals 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
- J. Expiration and Revocation of special use permits and existing special use. The revocation or expiration of a special use permit issued pursuant to **Section 44.10-3** of this Code or the expiration or revocation of 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 **Section 44.13-1** of this Code.

- K. Revocation of special use permits. In any case where a special use has not been physically undertaken within one (1) year after the date of granting thereof, then without further action by the Council, the special use or authorization thereof shall null and void.
- 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 Section 44.10-3 of this Code to expire.
- M. Discontinuance of Special Use. When a special use or an existing special use ~~authorized under Section 44.10-3 of this Code~~ is discontinued for six (6) consecutive months, or for eighteen (18) months during a three (3) year period, the special use permit or ~~such authorized~~ 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 fifty percent (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.

44.17-8 – VARIATIONS

- A. Applicability.
 - 1. The Board of Zoning 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.
 - 2. The Board of Zoning 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.
 - 3. Any and all variations to this Code granted by the Board of Zoning Appeals prior to January 9, 1996 are hereby authorized and validated.
 - 4. Under no circumstances shall the Board of Zoning 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.
- 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 City Clerk. The application shall specify the grounds for the variation.

2. Before the application is filed, a pre-application review by the Community Development Department is required.
3. Applications shall conform to the requirements of **Section 44.17-3**. 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 Community Development. Upon submission of a complete application, the Director of Community Development shall review the application for compliance with **Paragraph G** of this Section and other applicable requirements and prepare a written report.
- E. Action by Board of Zoning Appeals. Upon receipt in proper form of the application and supporting material referred to above, the Board of Zoning Appeals shall hold a least one (1) administrative public hearing on the proposed variation in the manner provided in **Section 44.17-5**.
- F. Standards for Variations. In granting or denying an application for a variation, and with the exception for sign variations as provided in **paragraph G** below, the Board of Zoning Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which each of the following items are demonstrated by the applicant. A variation from the terms of this Code shall not be granted by the Board of Zoning Appeals unless and until findings of fact are submitted demonstrating:
 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. 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.
- H. **Sign Code Appeals and Variations**.
 1. Appeals Without Petition for Variance. In appeals to the Board from decisions of the Administrator denying a sign permit or declaring a sign 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 **Division 14 of this Code** and applicable law and accordingly affirm or reverse the appealed decision. If the Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit or a statement permitting the sign in accordance with its decision.

2. Appeals with Petition for Variation. In appeals from decisions of the Administrator denying a sign permit or declaring a sign to be illegal in connection with which a variation is sought in addition to the review authority in subsection (1), the Board shall have the power and duty to hear, decide and grant or deny the requested variation from the provisions or requirements of **Division 14** of this Code.
 3. The Board may grant a variation from the provisions or requirements of Chapter 3 of this Code only where:
 - a) The literal interpretation and strict application of the provisions and requirement of **Division 14** of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question;
 - b) The granting of the requested variation would not be materially detrimental to the property owners in the vicinity;
 - c) The unusual conditions applying to the specific property do not apply generally to other properties in the City;
 - d) The requested variation would not permit the erection of a sign having sign area greater than eight hundred (800) square feet; and
 - e) The granting of the variation will not be contrary to the general objectives set forth in **Division 14** of this Code.
 4. Where there is insufficient evidence in the opinion of the Board to support a finding of “undue and unnecessary hardship: **under subsection (3), subparagraph (a)** of this Section, but some hardship does exist, the Board may consider the requirements fulfilled if:
 - a) The proposed sign is of particularly good design and in particularly good taste with preference being shown for painted bulletins;
 - b) The entire site has been or will be particularly well landscaped and maintained; and
 - c) The sign area of the proposed sign does not exceed three hundred (300) square feet.
 5. In granting the sign variation, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this Code in the public interest.
- I. Decisions.
1. ~~All~~ Decisions of the Board of Zoning 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.*), except that appeals may be filed in the following certain circumstances:
 1. The aggrieved party may appeal to the City Council if a variation is rejected by the vote of fewer than five (5) members of the Board of Zoning Appeals;
 2. The Director of Community Development may appeal to the City Council if he or she believes the Board's decision ~~allowing~~ to approve the variation(s) violates the intent of this Code.

2. To receive consideration by the City Council, the aggrieved party or the Director of Community Development must file with the City Clerk a "Notice of Appeal" within thirty (30) days after receiving notice of the Board's action, which shall be substantially in one of the following forms:

1. I, the undersigned, have requested and made application for a variation. Fewer than five (5) members of the Board of Zoning Appeals concurred in the action which rejected my application. I, therefore, request that the City Council review the record of the administrative hearing conducted by the Board of Zoning Appeals and make a final administrative determination thereon.

(Signature)_____

2. Notice of Appeal. The City of Bloomington, McLean County, Illinois, a Municipal Corporation, requests that the City Council review the record of the Board of Zoning 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.

(Signature)_____

3. If a Notice of Appeal is filed by the aggrieved party or by the Director of Community Development within ten (10) working days from the date on which the Board of Zoning 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 Board of Zoning Appeals shall be final, even if taken by less than five (5) concurring votes.
- J. Expiration. No order of anybody granting a variation shall be valid for a period longer than one (1) 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 Community Development within such one (1) 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 (1) year from the effective date of such order.

44.17-9 – SITE PLAN REVIEW

- A. Purpose. It is the intent of the Site Plan Review ~~provisions~~ procedure to facilitate the coherent development of the community through the review of specific and detailed plans for parcels of land which either, because of their location or because of the anticipated impact of the proposed uses thereon, may create land use conflicts with adjacent land uses or zoning classifications; or for deviations to landscaping and parking standards where such deviations will result in improved site development and will be consistent with the intent and purpose of this Code.

- 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 City Clerk.
 2. Applications shall conform to the requirements of **Section 44.17-3**. 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) 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 **Division 13** of this Zoning Ordinance if the project would result in new landscaping or landscape changes.
 - m) A site drainage plan for the proposed project if required.
 - n) 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, special use and variation and the legislative public hearing

- E. Site Plan Review Requiring Legislative Public Hearing. Applications for site plan review required pursuant to Section 44.5-5 shall require a legislative public hearing.
1. Procedure. Legislative public hearings shall be conducted in accordance with Section 44.17-5 of this Code.
 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 strict 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 that do not change the intent or character of development or modify the conditions of approval, such as adjustments to the ~~in~~ the location, siting, and height of structures, the location of parking stalls and loading areas, and the location and species of landscaping may be authorized by the Director of Community Development pursuant to the administrative procedures in Section 44.17-9 F.;
 - 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 Community Development shall be authorized to conduct site plan review for off-street parking and loading facilities or landscaping as required pursuant to Division 12 and Division 13.
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 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 Section 44.17-12.
- G. Exemptions. The following construction activities shall be exempt from site plan review:
1. Construction of improvements inside buildings ~~in the C-2 & C-3 Districts;~~
 2. Construction of accessory buildings or structures ~~in the C-2 & C-3 Districts;~~
 3. Previously approved site plans showing future additions; and
 4. Construction of telecommunication tower facilities.

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 City Clerk.

2. Applications shall conform to the requirements of **Section 44.17-3**. 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.
 1. Every application for a certificate of appropriateness, including the accompanying plans and specifications transmitted to the Preservation Commission within twenty (20) days after the application is deemed complete, unless such timeframe is extended in writing by mutual agreement of the city and applicant.
 2. The 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 F 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 Paragraph D.
 2. An application for a certificate of economic hardship shall be made on a form prepared by the Community Development Department. The applicant shall supply the following minimum information in support of an application for a certificate of economic hardship:
 - 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 (2) years; itemized operating and maintenance expenses for the

- previous two (2) 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 (2) 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 (2) years;
 - i) Assessed value of the property according to the two (2) most recent assessments;
 - j) Real estate taxes for the previous two (2) 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.
3. The Preservation Commission shall review all the required evidence and information, conduct an administrative public hearing, and make a determination on the application within forty-five (45) days of receipt of the completed application unless such timeframe 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 Community Development may order that the issuance of a permit for removal, relocation, or demolition be delayed for a period of up to one hundred eighty (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.
- 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 forty-five (45) days following transmission of the completed application, unless such timeframe is extended in writing by mutual agreement of the city and applicant.
 - 2. The Preservation Commission may establish a subcommittee of three (3) 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 Paragraph 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 (7) 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 (5) members.
2. An applicant may appeal such decision to the City Council by filing notice of intent to do so with the City Clerk within thirty (30) days after receiving notice of the decision of the Commission.
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.

44.17-11 – 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 five hundred (500) square feet of gross floor area; and
 2. The building was constructed more than fifty (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 Community Development shall review the application to determine if the building meets the criteria of Paragraph A. If it does, the Director of Community Development shall:
1. Notify the applicant in writing within five (5) days that the application for demolition must be reviewed before proceeding.
 2. Within five (5) 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.
 3. Within five (5) 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 Subsection 44.8-5 B., a recommendation may be made in opposition to granting the demolition permit.
 4. 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 thirty-five (35) days of initial submittal of the permit application. The City shall give notice in the manner prescribed by Section 44.17-5.
- C. Public Hearing. The administrative public hearing shall be conducted in accordance with the procedures of Subsection 44.17-5.
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.
1. If the building is determined to be not significant, the Director of 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 Community Development shall conduct a meeting between the chairperson or committee and the owner (or his or her representative), within ten (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 sixty (60) days.
 2. If no alternatives to demolition have been identified and agreed to by the applicant within said sixty (60) day period, the Director of Community Development shall cause the demolition or building permit to be issued provided that it complies with all other requirements of this Code.

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.

44.17-12 -- ADMINISTRATIVE APPEALS

- A. Authority. The Board of Zoning Appeals shall hear and decide appeals from an administrative order, requirement, or determination made by the Director of Community Development.
- B. Initiation. An administrative appeal may be taken to the Board of Zoning 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 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 Community Development.
- 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 Community Development Department. The appeal shall thereafter be forwarded to the Board of Zoning Appeals within twenty (20) days.
- D. Administrative Public Hearing. The Board of Zoning Appeals shall conduct an administrative public hearing in the manner provided by **Section 44.13-1 E.3.(b)** on all appeals duly initiated hereunder.
- K. Decision.
 1. All decisions of the Board of Zoning 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 (735 ILCS 5/3-101, *et. seq.*), except that appeals to the City Council may be filed in the following certain circumstances:
 - a) The aggrieved party may appeal to the City Council if an administrative repeal is rejected by the vote of fewer than five (5) members of the Board of Zoning Appeals;
 - b) The Director of Community Development may appeal to the City Council if he or she believes the Board's decision reversing his or her action violates the intent of this Code.
 2. To receive consideration by the City Council, the aggrieved party or the Director of Planning and Code Enforcement must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms:
 - a) Notice of Appeal of Zoning Administration Interpretation
I, the undersigned, appealed an order, requirement, decision or determination of the Director of Planning and Code Enforcement. Less than five (5) 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.

Signature)_____

- b) Notice of Appeal of Board of Zoning Appeals Administrative Interpretation
The City of Bloomington, McLean County, Illinois Municipal Corporation, requests that the City Council review the record of the Board of Zoning 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.

(Signature)_____

3. If a Notice of Appeal is filed by the aggrieved party or by the Director of Community Development within ten (10) working days from the date on which the Board of Zoning 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 Board of Zoning Appeals shall be final, ~~even if taken by less than five (5) concurring votes.~~

44.17-13 – ZONING ENFORCEMENT OFFICER

- A. Duties. The Director of 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 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 **Division 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;
 10. Receive, file and forward to the Board of Zoning 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;
 11. Forward to the City Clerk all applications for special use permits, amendments, and other matters which are to be referred to the Board of Zoning Appeals, Historic Preservation Commission, or the Planning Commission.
- 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 Community Development. No building permit shall be issued by the Director of 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 Board of Zoning 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 as provided by this Code.

44.17-14 – ZONING COMPLIANCE CERTIFICATE

- A. Zoning Compliance Required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning compliance certificate shall have been issued therefor by the Director of Community Development stating that the proposed use of the building or premises conforms to the requirements of this Code.
- B. No nonconforming structure or use shall be maintained, renewed, changed, or extended until a zoning compliance certificate shall have been issued by the Director of Planning and Code Enforcement. The zoning compliance certificate shall state specifically wherein the nonconforming use differs from the provisions of this Code. Upon enactment or amendment of this Code, owners or occupants of nonconforming uses or structures shall have six (6) months to apply for a zoning compliance certificate. Failure to make such application within six (6) months shall be prima facie evidence that the property was in a conforming use at the time of enactment or amendment of this Code;
- C. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning compliance certificate; and such certificate shall be issued in conformity with the provisions of this Code upon completion of the work.
- D. A temporary zoning compliance certificate may be issued by the Director of Community Development for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards or will protect the safety of the occupants and the public.
- E. Failure to obtain a zoning compliance certificate shall be a violation of this Code and punishable under **Section 44.13-5** of this Code.

44.17-15 – ZONING VERIFICATION LETTERS

- A. Purpose. A zoning verification letter may be requested from the Community Development by any individual seeking information about the zoning status of a specific parcel of land
- 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 Community Development may determine that each parcel is a separate request and assess additional fees.
- C. Content. A zoning verification letter shall be prepared based upon information on file in the Community Development Department, and shall be limited to the following:
 - 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 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.
- 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 non-conforming 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.

44.17-16 – 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 Community Development.
 - 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 Community Development. The Director shall properly record such complaint, immediately investigate and may, if a violation exists, institute any appropriate action or proceeding to:
 - 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; or
 - 4. Restrain, correct, or abate the violation.
- 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 (1) 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 dwellings, accessory building, yards, and/or signs are to be inspected uniformly or intensively or for specific violations.
 2. Content of Written Notices. 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 act to abate the violation if not brought into compliance.
 - e) State that failure to comply with the Notice may result in further enforcement action.
 - f) State that a fee shall be charged for the issuance of the Notice. If a Notice to Abate, the cost of City action to abate the violation shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
 - g) Include a description of the right to appeal, as applicable.
 3. Method of Service. A written notice shall be deemed to be properly served in one (1) 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 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, including, without limitation, one or more of the following. 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.

1. **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. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
2. **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.
3. **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.
4. **Cease and Desist Order.** With or without revoking a permit, the Director of 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.
5. **Court Order.** The City Attorney may bring and prosecute an action in any court of competent jurisdiction to: a) enjoin the owner or responsible person from continuing such use, erection, construction, moving or alteration; or if such is being or has been accomplished, the City Attorney shall enjoin the owner or responsible person from maintaining the same; and/or b) comply with the requirements of this Code.
6. **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.
7. **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.

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, OCTOBER 26, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Mr. Balmer, Mr. Penn, Chairman Stanczak

MEMBERS ABSENT: Mr. Suess, Mr. Boyd

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Mr. Tom Dabareiner, Director of Community Development. Mr. George Boyle, City Attorney, Mr. Doug Hammel, Houseal Lavigne Associates, Mr. John Houseal, Houseal Lavigne Associates

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:01 PM

ROLL CALL: Mr. Dabareiner called the roll. With eight members in attendance, a quorum was present.

PUBLIC COMMENT: There being no public comments the Commission moved on to approval of the minutes.

MINUTES: The Commission reviewed the October 12, 2016 minutes. Mr. Scritchlow moved to approve the October 12, 2016 minutes; Mr. Penn seconded the motion, which was passed by a voice vote of 7-0-1. Mr. Balmer voted “present.”

REGULAR AGENDA:

Workshop and discussion on the City of Bloomington Zoning Ordinance Update — Houseal Lavigne Associates

Chairman Stanczak announced the regular agenda item. Mr. Dabareiner gave a brief introduction to the zoning ordinance update process. He explained the City of Bloomington recently completed and adopted a new comprehensive plan which has received state and national recognition. Mr. Dabareiner provided background on the comprehensive plan public outreach process involving 6,000 Bloomington residents. He explained the zoning ordinance is a tool for implementing the City’s new comprehensive plan. Mr. Dabareiner introduced John Houseal and Doug Hammel, from Houseal Lavigne Associates, the consulting firm that will be working with the City on the zoning ordinance update project. He explained he has worked with this firm on past projects and has had a positive experience. Mr. Dabareiner explained the consulting firm would facilitate an exercise during the meeting tonight. Mr. Dabareiner mentioned Houseal Lavigne Associates won the award for Best Planning Consultant nationally in 2014.

John Houseal, Houseal Lavigne Associates, introduced himself and Doug Hammel, Principal Associate. He explained he and his firm would be working with the city for the next seven to nine months. Mr. Houseal stated the comprehensive plan would serve as a foundation for the zoning ordinance update. Mr. Houseal discussed the difference between the comprehensive plan and the zoning ordinance. He stated that the intention of this update is to help the city realize their goals and objectives related to land use and development by focusing on the details of the ordinance and ensuring the zoning ordinance dovetails with the comprehensive plan as a tool to implement the plan. He explained they will also examine land use procedures throughout this process as well.

Mr. Houseal explained the firm has held a conference call with city staff to go over all aspects of the code. He stated the firm held a workshop earlier today with local architects, attorneys, land owners, and contractors to find out what is and is not working with the ordinance. He explained it was important to understand the ordinance with regard to neighboring communities. He emphasized the importance of hearing the Planning Commissioner's perspectives regarding zoning and the zoning process. Mr. Hammel distributed a questionnaire to the Commission. Mr. Dabareiner confirmed the questionnaire was the same as that which was distributed in the prior meeting with land owners and architects. Mr. Houseal explained the questionnaire would serve as talking points for the meeting and described the four questions on the questionnaire in more detail. He summarized that the first questions related to the types of permitted uses in the zoning districts. Mr. Houseal stated the second question regarded concerns related to development standards and gave the Commissioners a few examples including bulk requirements, FAR, parking, landscaping, and lot coverage. He explained the third question was related to zoning procedures including submittal requirements, new permitting, planning and development decision making. Mr. Houseal recounted that a local developer mentioned Bloomington's development process is perceived as more arduous and complicated than neighboring communities. He explained the fourth question related to aspects not related to the zoning code but in other aspects of the City's development code. Mr. Houseal provided the example of the City's sign ordinance and explained how changes in federal regulation may conflict with the city's current sign ordinance as well as aspects of the zoning ordinance. Mr. Boyle provided legal background on the Reed vs Gilbert case and the Supreme Court's ruling regarding sign regulations and restrictions. Mr. Balmer noted other regulatory bodies that also must be taken into consideration during this process.

Mr. Houseal asked the Commission to identify issues with current land use. Mr. Balmer explained there is confusion between zoning designation and permitted uses. He stated we have also encountered situations where a particular use is not contemplated by the present code. Mr. Houseal suggested that at the end of this process the City might find a need to create a new zoning district that allows for new uses in order to achieve a goal in the Plan. Mr. Scritchlow asked if the intention of the update is to simplify and clarify the current zoning districts. He explained that the City currently has a number of districts which are similar and redundant. Mr. Houseal explained they will be considering every aspect of the City's zoning and that they are not bound by the districts that currently exist. Mr. Houseal provided the example of a transitional district in the downtown area to help a city realize its development goals in the area. He discussed the potential of a transitional district along

the constitution trail or in the warehouse district which are currently zoned manufacturing but would no longer be compatible with the industrial uses.

Mr. Scritchow asked how changes to the code that create legal nonconforming statuses would be addressed. Mr. Houseal explained the goal is to minimize the creation of nonconformities. He stated an exceptional number of nonconformities in an area is an indication of the need to change the standards for that district.

Mr. Pearson asked how zoning would relate to current districts in our downtown such as the bar district or the cultural district. Mr. Houseal explained that some of these issues may be related to the regulation of uses but others might be better addressed through branding and marketing. There was brief discussion about role of zoning versus the role of other permitting and licensing processes. Mr. Pearson noted the challenge that changes in technology and terminology create for keeping permitted uses in zoning classifications current. He was concerned if the zoning code update would address redundant and rhetorical words. Mr. Houseal explained the intent is to develop a list and identify the general character and characteristics of the use with narrative to make the permitted use tables easier to use.

Mr. Balmer identified distribution centers as a trending use in the manufacturing districts, particularly areas located on the fringes of the community and in infill sites. He explained the code is inadequate at addressing this use in these areas. Mr. Houseal confirmed the most problematic districts are those which historically were classified as industrial. He discussed a few circumstances and solutions the city might consider for these areas. He noted some might become transitional areas, some may maintain characteristics of traditional industrial uses, and some might become new industrial parks and incubators. He emphasized the need to look at the comprehensive plan and consider the direction the city hopes to take on the various industrial areas around Bloomington.

Mr. Scritchlow asked if the process for accommodating businesses with uses not contemplated in the zoning code will be more streamlined. Mr. Houseal explained Houseal Lavigne Associates' goal is to reduce the amount of ambiguity and need for legal interpretation of the code. He envisions the new code would incorporate the right to appeal an administrative decision to a board such as the Planning Commission whenever there is a conflict between staff interpretation and the applicant's interpretation.

Mr. Balmer identified procedures as a form of conflict and asked if this process will work to address that. Mr. Houseal explained there should be fair certainties and expectations for what is expected between each party. He stated the importance on being competitive with the development process ensuring it is fair, straight forward, and that developers are well informed on expectations for the process. He explained they hope to take a deep look at all aspects of the procedures including the applications. Mr. Pearson asked if this would pertain to a separate chapter of the code. Mr. Houseal explained that typically the zoning code has a specific section for procedures and applications regarding special uses, variances, rezonings and PUDs. It is a reference document. He noted the goal of the update is to tailor the zoning ordinance to be more user friendly and to restructure the code to

meet the needs of the users. He mentioned the only procedure which may have its own section in the ordinance would possibly be Planned Unit Developments.

Ms. Schubert commented that many who find the city's process to be challenging are local developers that may not be as familiar with the procedures and zoning code and may not be able to afford an attorney to handle the process. She mentioned these small businesses and local developers are those that we want to set up for success. Mr. Houseal explained that navigating these procedures can be challenging if the developers are not familiar with them. He also noted that several people during the developers meeting earlier referenced the "one stop shop" approach in Peoria and Normal for PUDs. He emphasized the need to approach our process so we facilitate good development and so we are more user-friendly. Mr. Houseal stated that there are a number of goals in the comprehensive plan which require private investment to be achieved and that we must set up investors and developers for success so they want to invest in Bloomington.

Mr. Scritchlow asked about the combination of the Planning Commission and ZBA as a part of the "one stop shop" approach. Mr. Dabareiner explained the combination of the boards is important to supporting the "one stop shop" process and eliminating the potential for two or three steps in the process' that staff is attempting to fast track this change and have it in place before the end of the update process. Mr. Dabareiner explained the combination of the boards will have to be reviewed by the Planning Commission first because it involves changing the zoning ordinance. Mr. Houseal noted that they anticipated incorporated a new, single board into the zoning ordinance.

Mr. Scritchlow asked if there are any ways to build screening, lighting and other nuisance mitigating factors into the process rather than addressing these issues when the property owners apply for a permit. Mr. Houseal distinguished the need to accommodate these factors in instances of 'as of right' development, where the developer can simply apply for a permit and no public hearing processes are required, versus accommodating these factors during a PUD and site plan procedures. Mr. Scritchlow clarified that he was also interested in how we can work with neighbors and developers to address a solution. Mr. Houseal explained that if it is straight zoning the developer would have to meet the requirements, if they are seeking relief then the developer would have to provide that justification. He mentioned the ability to include, in the PUD ordinance, a requirement to meet with neighbors and discuss these issues prior to submittal. He explained the PUD can facilitate a negotiation between developers and neighbors. Mr. Dabareiner commented that the PUD has been underutilized in this community and the PUD is a powerful tool that can help to achieve a win-win. Mr. Houseal suggested that a properly drafted PUD process can help city's achieve more creative developments, can become a preferred approach for developers, and can increase flexibility for the neighborhood and the developer in a streamlined process.

Mr. Pearson asked for clarification about a term, "bulks" on the handout. Mr. Houseal explained this was a scrivener's error and should not have the "s". He explained this should be "bulk standards" and refer to the things that define the physicality of the development of a building.

Mr. Scritchlow asked if PUDs were typically used for larger parcels. Mr. Houseal explained that PUDs do not have to be used for larger parcels. He provided a brief history of PUDs and noted their relevance to developments with multiple buildings on a property, such as a university campus. He explained that PUDs evolved to include various triggers such as multiple buildings on a single lot, geographical location or size of land or size of the building.

Mr. Pearson inquired about the timeline for development. Mr. Houseal explained the draft code will not address permitting. He clarified the timeframe as from idea, conception to development approval and their objective is to reduce the time and process it takes to move through this process. Mr. Dabareiner mentioned that over the past two years the city has reduced the building review time for projects from an average of 35 days to 9 days. Mr. Houseal shared his experiences with other communities review processes and boards.

Mr. Pearson asked which single factor came up during the meeting with developers. Mr. Houseal explained that the biggest factor that emerged was the perception from other developers of working with the city. He explained the warehouse district and zoning around the constitutional trail were mentioned, but everything seemed to deal with the process. Mr. Houseal commented that there was no mention of the bulk and density requirements nor setback standards. Mr. Houseal explained that they will be following up with the developers that gather a clear understanding of the perception.

Mr. Balmer asked about the project timeline. Mr. Houseal explained that realistically it will be about a nine month timeline. He explained that Houseal Lavigne Associates has begun to dissect the comprehensive plan and to meet with staff. Mr. Houseal discussed how the new code will strategically incorporate graphics to provide more clarity for the laymen. Mr. Scritchlow asked if the ordinance will become easier to use online. Mr. Dabareiner explained the city will be working to move the code online.

Chairman Stanczak expressed that he feels encouraged by Houseal Lavigne Associates' comments during this meeting and is enthusiastic about what the zoning ordinance can become.

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: Mr. Pearson moved to adjourn; seconded by Mr. Balmer, which passed unanimously by voice vote. The meeting was adjourned at 5:10 pm.

For further information contact:
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Phone: (309) 434-2226 Fax: (309) 434-2857
E-mail: ksimpson@cityblm.org

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, AUGUST 23, 2017 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J. Balmer, Mr. David Stanczak, Mr. Ryan Scritchlow, Mr. John Protzman, Ms. Nicole Chlebek, Chairman Justin Boyd

MEMBERS ABSENT: Mr. James Pearson, Mr. Kevin Suess, Ms. Megan Headean, Mr. Eric Penn

OTHERS PRESENT: Mr. Tom Dabareiner, Director of Community Development; Mr. George Boyle, City Attorney; Ms. Katie Simpson, City Planner; Ms. Izzy Rivera, Assistant City Planner; Suzanne Thorsen, Senior Planner with Houseal Lavign Associates

CALL TO ORDER: Chairman Boyd called the meeting to order at 4:01 PM

ROLL CALL: Mr. Dabareiner called the roll. With six members in attendance, a quorum was present.f

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the August 9, 2017 minutes. Mr. Scritchlow motioned to approve the minutes. Mr. Stanczak seconded the motion, and the Commission approved the minutes by voice vote, 6-0.

REGULAR AGENDA:

Z-24-17 Public hearing, review, and action on a petition submitted by Freedom Services, Inc. requesting the rezoning of 1315 W. Market St from R-1C, Single Family Residential District to B-2, General Business Service District.

Z-25-17 Public hearing, review, and action on petitions submitted by Freedom Services, Inc. requesting the rezoning of 505 N. Hinshaw Ave from R-1C, Single Family Residential District to B-2, General Business Service District.

Chairman Boyd stated that the petitioner requested case Z-24-17, for the rezoning of 1315 W. Market Street, and case Z-25-17, for the rezoning of 505 N. Hinshaw Ave, be laid over until the next meeting on September 27, 2017.

OLD BUSINESS:

City of Bloomington Zoning Ordinance Update: Section 44.6 Manufacturing District; Section 44.8 Overlay Districts; Section 44.9 General Standards

Suzanne Thorsen, Houseal Lavigne Associates, presented the draft chapters proposed for the updated zoning ordinance. She discussed how the changes in the Manufacturing

District aligned with the Comprehensive Plan. For example, the addition of bee keeping, aquaculture, hydroponics and urban gardening to the Manufacturing District allows the city to expand access to local grown foods. She discussed the revision to allow multifamily with a special use permit.

Mr. Scritchlow asked if we should add a “1” to “Pet care: Grooming, day care, and training” requiring a special use permit near residential. Ms. Thorsen explained that typically these types of facilities have a smaller footprint. Mr. Balmer clarified when a special use permit would be needed for a pet care facility with the proposed change. There was brief discussion on Mr. Scritchlow’s proposal and the Commission agreed the use should require a special use permit when abutting residential uses.

Mr. Scritchlow asked about “Food and Kindred Industries” requiring a special use permit. Mr. Protzman explained previous discussion regarding the use category considered intense food production, such as a hog rendering plant or meat packing industry, and suggested they require an extra review. The Commission briefly discussed the pros and cons of the special use designation for the M-1 district and concluded the special use permit provided an extra benefit to the public health, safety and welfare. Ms. Thorsen explained the special use by a residential district also addresses the Comprehensive Plan goal of transitions between residential and manufacturing. She explained the setbacks, bulk requirements and transitional yards.

Ms. Thorsen explained Houseal Lavigne Associates is proposing an industrial transition area which will provide alternative, appropriate uses for the industrial areas that abut residential. Mr. Dabareiner explained the community has a number of older industrial sites that are no longer large enough for manufacturing and are underutilized as storage facilities. He explained the proposed change would give investors more options for these buildings, many of which are historic. He stated this idea is based on practices from Baltimore, MD. Mr. Balmer asked if we are looking to apply this in other districts too. Mr. Dabareiner explained we did not intend to. The Commission discussed methods for applying the transitional areas. There was discussion about compatibility of uses in the Manufacturing Districts.

Ms. Simpson explained the proposed industrial transitions could serve as a tool to encourage adaptive reuse of the historic warehouses. Mr. Dabareiner explained the Bloomington Historic Preservation Commission is beginning a survey of historic commercial and industrial sites located along railroad lines. Ms. Thorsen pointed out the Outdoor Screening Requirements and Mr. Dabariener stated this will be a significant change.

With no further discussion on the Manufacturing District, Ms. Thorsen discussed the proposed changes to the Zoning Overlay section of the ordinance. The majority of the revisions are to streamline and clarify the ordinance. She explained the regulations remain the same. Mr. Scritchlow asked how the current building codes impact the regulations for the Airport Overlay District. Ms. Simpson described the changes in uses allowed and the impacts on residential uses. Mr. Dabareiner stated that CIRA is proactively working with the local construction industry to educate about the building code regulations and height

restrictions near the airport. Ms. Thorsen noted that she would amend the draft to include group homes.

Ms. Thorsen stated the proposed overlay section reserves space for additional overlays. It maintains the historic overlay as S-4 overlay designation. Ms. Thorsen explained the updates are an attempt to clarify language and timeline. Mr. Balmer asked if the one-stop shop is taking a similar approach and if the city is working to streamline the process for development. Mr. Dabareiner clarified the city is working to streamline the review and application processes. Mr. Stanczak asked for explanation about the development notices and procedures for historic designation. Ms. Thorsen stated the section was restructured to make more sense but no significant content was changed. The opportunity for both parties to extend timelines through mutual agreement was added. Mr. Dabareiner asked about a demolition delay process. Ms. Thorsen stated that demolition procedures are added to the procedures section of the zoning ordinance. Mr. Protzman asked about the two-thirds requirement and if it contradicts the Commission bylaws. Mr. Dabareiner explained the code would overrule the bylaws. Ms. Thorsen explained illustrations for the code will be created when the language has been finalized.

Ms. Thorsen discussed the proposed changes for Division 9. She explained the ordinance intends to include diagrams to clarify intended interpretations. Ms. Thorsen clarified the differences in the proposed nonconformities sections, lots and yards, and permitted encroachments. Mr. Scritchlow asked the diagrams clearly illustrate the right-of-way, parkway and parcel lines. Ms. Thorsen explained the “Temporary Use” section. She described Farmers’ Markets as a temporary use and explained this relates to the Comprehensive Plan goal for improving food access. Ms. Thorsen explained the accessory structure regulations and accessory use regulations. Accessory uses would be subject to the additional requirements in the special use provisions section of the zoning ordinance.

Ms. Chlebek left the meeting at 5:05 PM. At that point, the Commission lacked a quorum; no formal actions were taken during the remainder of the meeting.

Ms. Thorsen described the fence regulations and discussed amendments to the existing sections. Mr. Scritchlow stated he supported requiring the best-looking side of the fence face outside. He asked for clarification of fences in easements. Ms. Thorsen suggested adding a clause to clarify responsibility for the fence or to strike the proposed language and add advisory language about utilities. She stated barbed wire fences would be permitted in manufacturing districts or airport districts so long as they are not visible from the right-of-way or from the residential districts. She explained maximum height requirements were removed in manufacturing districts to eliminate conflict with other provisions. Ms. Thorsen discussed performance standards for noise, light and dust. There was a brief conversation about evaluating noise levels. She also explained the proposed lighting standards, which were inspired by the Town of Normal’s ordinance.

NEW BUSINESS

Chairman Boyd introduced the Izzy Rivera the Assistant City Planner. Ms. Rivera introduced herself and provided a brief background.

ADJOURNMENT: Mr. Balmer motioned to adjourn; Mr. Scritchlow seconded the motion. The meeting adjourned at 5:18 p.m. by voice vote, 5-0.

Respectfully,

Katie Simpson
City Planner

Process and Approach

Process

After the City adopted *Bring It On Bloomington!* in 2016, the City immediately began implementing the programs, projects, and policies listed in the plan.

One of the main recommendations of the Comprehensive Plan was to update the City's zoning ordinance to better align with the vision established in *Bring it on Bloomington!*

The zoning code update process began in 2016 with a kick off meeting with those who know the code the best and are responsible for administering it, the staff of the Community Development Department.

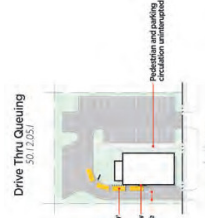
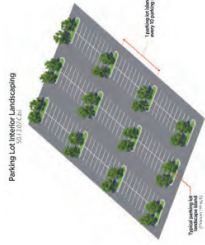
After the kick off meeting, the community was engaged through a series of workshops. One workshop

was focused on residential areas, and the other commercial and industrial areas.

Then, the diagnostic report was developed. This document identified the areas of focus for the update, and established the approach as detailed below.

Next, the new ordinance was drafted, including the standards that establish zoning districts, the standards that regulate topics like parking, landscaping, and beekeeping, and the standards that set up the process by which the code is enforced.

Now, we are in the process of gathering public input on the proposed revisions. The community now has an opportunity to voice any concerns with the update before it goes to City Council for adoption.



Approach

Alignment with the Comprehensive Plan

The Comprehensive Plan is the community's vision and official policy guide that should serve as a basis for zoning amendments and entitlements. Over 6,000 residents participated in the creation of the Plan.

Preserving Priority Places

Over the past years, suburban style infill development has abraded the historic downtown core and other areas of the community. The zoning ordinance can provide the effective mechanisms to support historic preservation.

Finding the Right Zoning Approach/District Structure

Bloomington has approximately 30 zoning districts, including six form-based code districts, two overlay districts, and an unused Traditional Neighborhood District. Too many districts can be confusing and at times may undermine the intended vision in the Comprehensive Plan. The

right approach has been analyzed and districts have been eliminated or restructured when necessary to become more effective.

Addressing Areas of Transition

The new zoning ordinance should remove barriers to support investment and redevelopment of neighborhood uses. For example, near the downtown, several blocks could be more intensely developed to support downtown commerce.

Clear Structure and Regulations

Bloomington's ordinance follows a traditional structure with form and content from decades past. Revisions overtime lead to inconsistencies and unclear procedures. The new ordinance is

simplified, eliminating vague and obsolete definitions, overlapping regulations, and imprecise standards.

Graphic Approach

Houseal Lavigne Associates is nationally recognized for their graphic approach to engagement and document design. Clear graphics demonstrate the intended outcome for development and illustrate ambiguous concepts.

Competitive Standards
The zoning ordinance offers a way to make good development easy. A properly drafted zoning ordinance can remove unnecessary obstacles to investment. An ordinance should be user friendly and accessible.



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Community Feedback

On August 24, 2015 Bloomington adopted its Comprehensive Plan, a twenty-year vision for the Community. Over 6,000 residents participated in the creation of the award-winning Plan. Zoning and ordinances are tools necessary for implementing the Community's vision. The proposed ordinance is rooted in the goals and objectives of the Comprehensive Plan.



Frequently Asked Questions

Why update the ordinance?

The existing ordinance is outdated and difficult to use. Updating the code allows the city to clarify regulations and procedures, modernize the ordinance, and align the ordinance with the goals of the Comprehensive Plan.

What is the process?

In 2016, the City engaged the consulting services to analyze the existing ordinance and draft a new code. We held outreach meetings with developers and residents, provided recommendations based on the Comp. Plan, best practices, GIS analysis, and state/national statutes. The Planning Commission provided feedback to us on the proposed chapters. The draft sections are online for public review. We have presented the proposed language to City Council. The Planning Commission will hold a public hearing and City Council will have final approval.

Is this a form-based code?

No, past experiences showed that form-based codes are not well received in Bloomington. The proposed code is a hybrid, containing limited design standards specific to the downtown area.

What happens to nonconforming properties?

The intent of rewriting the ordinance is to eliminate inconsistencies and nonconforming properties. Over 3000 properties will become conforming if the mini-mum lot sizes are reduced. Other nonconforming uses or structures will be allowed to continue to exist but if destroyed would be rebuilt in conformance with the ordinance.

Does the new code address sustainable technologies?

The proposed code includes regulations for urban gar-dens, urban farms, hydroponics, aquaponics, bee-keeping and apiaries, residential chicken keeping, and personal and commercial solar and wind. Some of these uses may be unique and require additional regulations in residential areas.

Are there any Zoning Map Amendments?

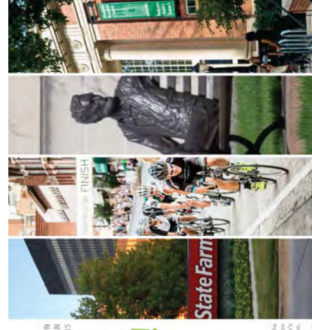
Yes, adopting the new ordinance will eliminate some districts and create others. A map amendment is necessary.

Where can I see the draft sections?

<http://www.cityblm.org/government/departments/planning-zoning/proposed-zoning-amendments>

Where should I send questions or comments?

zo_update@cityblm.org



Significant Changes

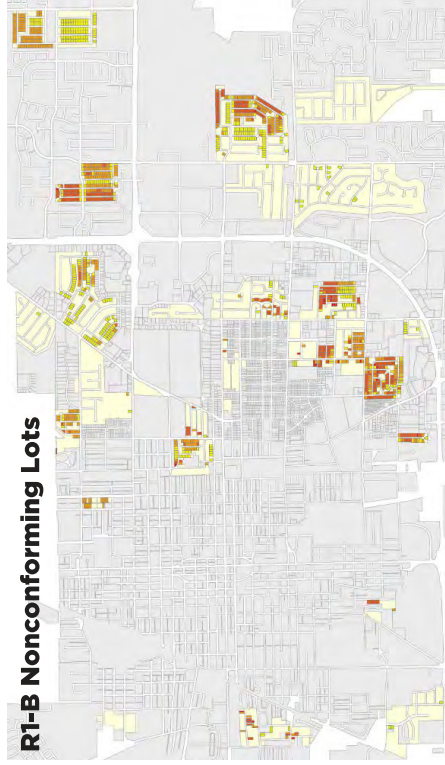
Eliminating ineffective districts Creating new districts Consolidating redundant districts

Bloomington has approximately 30 zoning districts, many of which are redundant or in-effective. The proposed zoning ordinance eliminates the B-3 Central Business District, which is over mapped, allows too many uses, permits incompatible uses, and does not provide an adequate transition to the adjacent residential district. The ordinance replaces the B-3 district with the D-1, Downtown Core District, D-2 Downtown Transition District, and D-3 Warehouse and Arts District. The new ordinance proposes combining similar and redundant districts such as the B-1, Highway Business District and C-3 Regional Shopping District, or C-2 Neighborhood Commercial District and the B-2, General Business Service District. The resulting districts are B-1 General Commercial District and B-2, Local Commercial District. The Warehouse District is not used throughout the community and can be eliminated. The properties would be zoned M-1, Restricted Manufacturing. The proposed ordinance also eliminates the Traditional Neighborhood District zoning regulations which have never been used by developers in Bloomington.

Reducing nonconforming residential lots

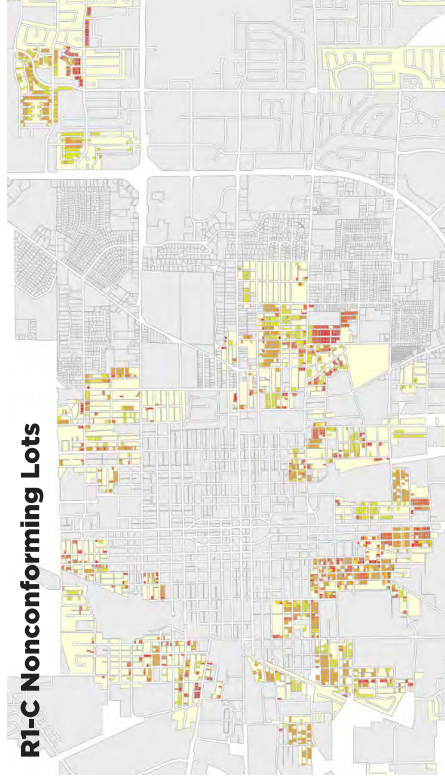
GIS analysis shows that reducing the minimum required lot size could bring almost 3000 nonconforming residential properties into conformance with the ordinance. The proposed change includes reducing R-1C minimum lot sizes from 6,600 to 5,400 square feet and R-1B lot sizes from 10,000 to 7,000 square feet. This proposed change can decrease and eliminate financial barriers and aligns with goals N-1.1e and H-2.2m of the Comprehensive Plan.

R1-B Nonconforming Lots



R1-B District
Current Total NC: 1358
Positively impacted by changes: 1323
Remaining NC: 33
Reducing 97% NC lots

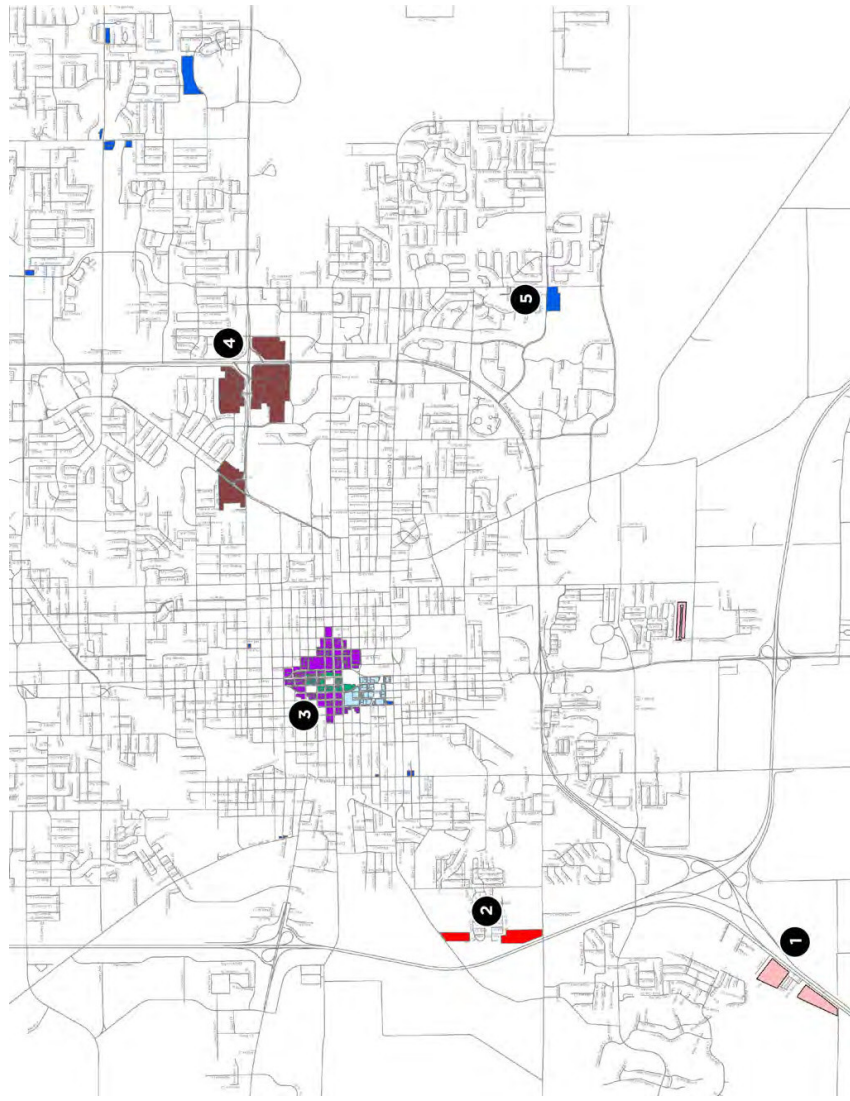
R1-C Nonconforming Lots



R1-C District
Current Total NC: 2698
Positively impacted by changes: 1884
Remaining NC: 814
Reducing 70% NC lots

These maps show properties that do not meet the minimum lot requirements of the current ordinance.

The proposed ordinance reduces the minimum lot requirements making the yellow and orange properties lawful.



1. The existing R1-H district is proposed to be consolidated with the R-4, Manufactured Home Park district.
2. These properties are currently zoned W1, it is proposed that they be consolidated with M1, Restricted Manufacturing.
3. Bloomington's Downtown is currently under one zoning district. The revised code proposes to divide these districts into D-1, Downtown Central Business district, shown here as green, D-2, Downtown Transition district, shown here as purple, and the D-3 Downtown Warehouse and Arts district, shown here in light blue.
4. The existing C-3 zoning district is proposed to be consolidated with the B-1, General Commercial District.
5. The existing C-2 zoning district is proposed to be consolidated with the B-2, Local Commercial District.