



MINUTES

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

OSBORN ROOM, 2ND FLOOR POLICE DEPARTMENT
305 S. EAST STREET, BLOOMINGTON, IL
WEDNESDAY, SEPTEMBER 7, 2022 4:00 P.M.

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

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, September 7, 2022, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic and Community Development Director

The meeting was called to order by Chairperson Mohr at 4:00 p.m.

ROLL CALL

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

Mr. Branham called the roll. Mr. Krieger - Present, Mr. Muehleck - Present, Mr. Danenberger - Present, Mr. Sant-Amour - Present, Ms. Patino - Present, Ms. Beyer - Present, and Chair Mohr - Present. With 7 members present, a quorum was established.

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Mr. Wetterow noted the meeting date change for next month's meeting. The regular meeting for Oct. 5th was cancelled and a special meeting has been scheduled for Oct. 6th. The meeting on the 6th will be at the same time and location as the meeting on the 5th.

MINUTES

Mr. Krieger motioned to approve the minutes from the August 3rd, 2022, meeting. Mr. Danenberger seconded. A voice vote was held. All ayes. The motion passed.

Mr. Boyle noted that prior to the recording being turned on, there was a roll call vote, and a quorum was found to be present. Those persons present and absent will be reflected in the meeting minutes.

PUBLIC COMMENT

Chairperson Mohr notified those present that public comment is for items not on the agenda.

Chairperson Mohr noted there were three individuals who had registered to speak.

Marty Seigel (615 E. Chestnut) stated that she has been a resident of central Bloomington for 40 years. On August 8th, 2022, City Council approved a petition to approve a rooming house at 709 E Douglas. This is in an R-2 zoned neighborhood. The petition was brought by an individual, but the consent agenda noted the request by the Economic and Community Development Department and she was puzzled by that. The Special Use allowed up to 8 parking spaces and eliminated screening for the parking area. After the Zoning Board of Appeals meeting, she inquired about the parking requirements for a rooming house, and she did not receive an answer. Ms. Seigel stated she found the off-street parking section of the code (Ch 44, 12-8) which addresses off street parking requirements for residential uses. She believes a rooming house should fall under all other group living uses and have a requirement of 1 space per 2 beds. If her interpretation is correct, then only 2 parking spaces would be required for the rooming house for a 4-bed rooming house. 8 parking spaces would be a 4-fold increase in the required parking, and she does not understand why staff and the Economic and Community Development Department would foster such a dramatic increase in the number of parking spaces required, but allow a variance to remove the screening for the parking area. The increased parking reduces green space within the neighborhood and increases stormwater runoff. She wants to know if the Planning Commission believes requiring additional parking but removing screening requirements is in accordance with the zoning code. She hopes the Commission will find a way to discuss this.

Chairperson Mohr asked if Greg or Kim Wilson were present. They were not present.

REGULAR AGENDA

A. Z-10-22 Public hearing, review and action on a petition submitted by Habitat For Humanity of McLean County requesting approval of a Zoning Map Amendment for the property located at 1305 Bunn Street, from R-1C (Single-Family Residence) District to R-2 (Mixed Residence) District. (PIN: 21-09-284-010) ***Tabled to Oct. 6th Special Meeting***

City Staff Glen Wetterow noted the case has been tabled at the request of the petitioner. The case will be tabled to the Oct. 6th special meeting.

Chairperson Mohr informed those present that staff would be present after the meeting to discuss the status of this case if any of them had come to speak on the case.

B. PS-03-22 Public hearing, review and action on a petition submitted by Tentac Enterprises, LLC requesting approval of an Amended Preliminary Plan for Fox Creek Country Club for the property generally located near the intersection of Carrington Lane and Fox Creek Road. (PINs: 20-24-205-014 & 20-24-100-019)

City Staff Glen Wetterow presented the staff report, with a recommendation for approval.

Mr. Wetterow noted the reason for the request is because the owner is seeking to add a cul-de-sac that was not previously indicated on the original preliminary plan. The proposed cul-de-sac is on property that was not indicated on the original preliminary plan and results in the creation of 3 additional lots. These changes were deemed substantial changes which necessitated an amended preliminary plan be submitted to the Commission for their review and approval. The request ensures the additional property, cul-de-sac and additional lots are included in the preliminary plan. The preliminary plan indicates Carrington Lane will be continued through this portion of the subdivision and will ultimately intersect with Fox Creek Road. This will provide a much-needed additional access point to the neighborhood. The preliminary plan will facilitate the final platting of the 18th Addition of the Fox Creek Country Club Subdivision. There are no waivers or conditions associated with the request.

Chairperson Mohr asked for a clarification on process, is the Planning Commission approving the amended preliminary plan or making a recommendation to council. Mr. Wetterow stated that the Commission would be making a recommendation to City Council to approve the amended preliminary plan. Mr. Wetterow noted the case would go before City Council on September 26th, 2022. Mr. Wetterow highlighted the final platting process which would occur after the approval of the preliminary plan would not come back before the Commission for approval. The final plat would be directly approved by City Council.

Petitioner, Dave Feddor (2 Stonehedges Ct.) spoke on behalf of the project. Mr. Feddor is one of the principals of Tentac enterprises. Mr. Feddor stated what Mr. Wetterow had summarized the petition quite well in his presentation. Mr. Feddor added information related to the history of the development of the subdivision as he was involved from the very beginning which was in 1994. Mr. Feddor reemphasized how Carrington Lane would be extended to connect to Fox Creek road which really benefits the neighborhood as it provides a circular flow through the neighborhood. Currently those living off Carrington Lane must backtrack through the neighborhood to get out. Mr. Feddor noted the original preliminary plan is made up of 34 total lots, with the additional cul-de-sac the amended preliminary plan will have a total of 37 lots.

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Mr. Wetterow confirmed this. Currently Tentac has 37 available lots so this would double their inventory.

Commissioner Beyer asked if there are any challenges anticipated due to changes. Mr. Feddor stated the changes to the plan were minor, so no challenges associated, but the cost of construction has changed and that is a challenge.

Commission Beyer inquired if there are any challenges with unit 5 school district accommodating this development. Mr. Feddor stated he did not believe there were any challenges as the impact of the subdivision was accounted for when the area was initially annexed, and the school was built. The amended preliminary plan is only adding 3 more lots than what was originally planned for.

There was no public comment.

Commissioner Krieger made a motion to recommend approval of the request of an Amended Preliminary Plan for Fox Creek Country Club for the property generally located near the intersection of Carrington Lane and Fox Creek Road. (PINs: 20-24-205-014 & 20-24-100-019) based upon the finding of facts. The motion was seconded by Commissioner Muehleck. Mr. Krieger - Yes, Mr. Muehleck - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Ms. Patino-Yes, Ms. Beyer - Yes, and Chair Mohr - Yes. (7-0). The motion passed.

Staff noted that this case will be heard on the September 26, 2022, City Council agenda.

C. PR-08-22 Public hearing, review and action on a petition submitted by David Schmidt of LJP Architects requesting approval of a Legislative Site Plan for the property located at 506 IAA Drive, Suite 101. (PIN: 14-35-378-016)

City Staff Jon Branham presented the staff report, with a recommendation for approval.

Mr. Branham noted the legislative site plan is not a full site plan review as the building is existing. The request is being made because the proposed drive-through resulted in decreasing the number of off-street parking areas by 20% or more. Additionally, the location of the drive-through would normally require a variance, but the City's Code allows the Commission to approve the location as part of the site plan review. A parking analysis was performed, and sufficient parking still exists to meet code requirements for existing and future tenants. The proposed tenant, Chicken Salad Chick will occupy roughly 2,000 square feet. In addition to the petitioner the building has one other tenant. There are currently two vacant spaces. The building is existing and has provided adequate screening and landscaping per required by code. Mr. Branham noted that sidewalks have been added.

Commission Beyer asked for clarification on what portion of the drive-through is going past the front of the building. Mr. Branham reviewed the site plan and indicated which portion of the drive-through was located in front of the building.

David Schmidt (24801 Winterberry Lane Naperville, IL) spoke on behalf of the project. Mr. Schmidt is with LJP Architects, and they are the engineering firm for the project. Mr. Schmidt noted the owner of the business is adapting to the change in culture where there is decrease in the desire to eat inside and more of a desire to utilize the drive-through and this is why the drive-through is being added.

Commissioner Muehleck asked about landscaping between the drive through and the neighboring property. Mr. Schmidt stated they have proposed shrubs along this area as this is what is required by code. They will be 6ft tall and spaced every three feet. They could have done a combination of fencing and shrubs, but they felt the shrubs looked nicer.

There were no additional questions from the Commission and no comments from the public.

Commissioner Beyer made a motion to approve the request for a Legislative Site Plan Review, as outlined in Chapter 44.17-9 of the City Code, and recommend **approval** of the petition submitted by David Schmidt of LJP Architects, to allow a Restaurant in the B-1 (General Commercial) District for the property located at 506 IAA Drive. The motion was seconded by Commissioner Krieger. Mr. Krieger - Yes, Mr. Muehleck - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, and Chair Mohr - Yes. (7-0). The motion passed.

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

Chairperson Mohr reminded the Commission that these proposed changes were provided to the Commission last month for them to review and discuss. The purpose today is to examine the specific language which is presented for adoption.

City Staff, Mr. Wetterow and Ms. Pemberton presented the report, with a recommendation for approval.

Mr. Wetterow noted the Planning Commission has discussed recommendations and text amendments, pursuant to Ordinance 2021-31, at multiple meetings over the past year and has relayed important feedback to staff. These proposed text amendments are intended to provide clarity and address gaps resulting from the comprehensive Zoning Code rewrite of 2019. Mr. Wetterow emphasized the staff memo provided an overview of identified issues and recommended amendments to the Code, as well as red-lined versions of each Article in the Zoning Code, as proposed for adoption. Staff committed to returning with additional information and discussion on one item (definitions for dwelling types); these definitions have been separated from the overall amendments proposed for Article XVI.

Ms. Pemberton noted staff had informed the Commission they would do a little for digging into how the residential housing is laid out in the areas impacted by the proposed text amendments. The majority of what the Commission is looking at today is related to issues with definitions or “roll-ups” (aggregation of previous uses into fewer categories.) Intent was to focus on what type of buildings could be built based upon what is allowed now, via the code, what was permitted before, and what is desired by residents and developers as based on actual development. Staff introduced the concept of “missing middle” housing and where it is applicable in the City of Bloomington. This type of housing is a moderate housing option somewhere between single-family and multi-family. It provides multiple housing types/options. The most familiar of these options is a duplex. Ms. Pemberton then delved into the different construction types for duplexes in the past and presently. Ms. Pemberton also highlighted where these construction types can be found within the City of Bloomington. Ms. Pemberton noted how the current definition of duplex is very limiting and prevents many types of two-family construction. Ms. Pemberton noted the current restrictive nature of the code was not present in previous versions of the code. Ms. Pemberton also noted how the current code defines single-family attached and how this is really a form of a duplex with a property line down the middle but is not permitted the same as a duplex within the permitted use table. This all results in the code being very confusing and conflicting. Ms. Pemberton noted there are whole subdivisions that were previously platted around this type of development, but now are not permitted. Mr. Wetterow noted that the development type is theoretically possible still, but would require a Variance and it would be difficult to grant a Variance when the hardship is self-imposed. Ms. Pemberton highlighted where this type of development currently exists within the City. Ms. Pemberton also noted how this limits the ability for structures to be divided up and provide individuals to own their own property unless they go through the process of condo-ization.

Ms. Pemberton noted the Commission will see definitions have been changed and combined in a manner to make them align more with how they were defined and organized in the previous version of the code. It was also staff’s intent to ensure the definitions aligned with the uses listed in the permitted use tables. Additionally, staff worked in flexibility that was previously within the code but had been removed for unknown reasons.

Ms. Pemberton noted how single-family now reflects one, two-family reflects two and multi-family reflects 3 or more. Also, she informed the Commission on the construction types that would now fall under two family. Ms. Pemberton asked if the Commission had any questions.

Commissioner Beyer asked how the examples of duplexes/townhouses present by Ms. Pemberton get built under the current code. Ms. Pemberton stated they did not get built under the current code because they could not be. They were built or platted under previous versions of the code. Ms. Pemberton noted the current code has been in place since March 2019. Ms. Pemberton noted COVID-19 slowed development down and now it is picking up again and these developers are approaching the City and are shocked realizing they can no longer build in this manner.

Commissioner Beyer asked what the intent was for changing the codes in 2019 to limit/prevent this type of development. Staff noted they are still attempting to figure out why this change occurred and if the intent was to prevent/limit this type of development. Chairperson Mohr noted he believed it was an unintended consequence. Chairperson Mohr did not remember this being a topic of discussion when the code changes were discussed in 2019. Chairperson Mohr asked the commissioners if they agreed? Commissioner Muehleck did not remember this being a discussion item and agreed with Chairperson Mohr that the Commission never intended to prevent/limit this type of development with the code changes they adopted in 2019. Ms. Pemberton asked the Commission to provide any input they can based upon the previous intent they had in making the text changes and how this might apply to the text changes before them.

Ms. Pemberton noted the three options before the Commission related to text changes for attached housing. She also detailed the processes an individual would have to go through to achieve the type of development based on each option. Chairperson Mohr clarified the three options before Commission. Ms. Pemberton agreed with his summarization.

Ms. Pemberton noted that one of the primary changes to the 2019 code was the inclusion of use provisions. Treating attached residential development like a use with a provision, where the interior side lot line is not required, would be in alignment with the intent and structure of the current code. Ms. Pemberton indicated how this would apply not only to duplexes, but also townhomes and row housing. Ms. Pemberton noted this would not be removing the requirement for exterior side-yard setbacks. Ms. Pemberton highlighted how building code requirements related to required distances from structures was accounted for in the proposed language.

Ms. Pemberton asked if there were any questions from the Commission. Chairperson Mohr thanked staff for presenting the three options and clarified that staff is asking the Commission for input on which option they feel is most appropriate. Ms. Pemberton stated that was correct. Chairperson more briefly reviewed the three options to ensure the Commission was clear on the three options before them. Ms. Pemberton expounded upon and clarified a couple of details.

Chairperson Mohr had a question on how to procedurally approve the text amendments. Chairperson Mohr suggested one motion for the preferred option on language related to duplexes and another for the remaining text amendments.

Mr. Wetterow stated the Commission could decide which option they preferred for language related to attached housing, and then formally make a motion to adopt the text amendments. Chairperson Mohr proposed the motion could include the option the Commission decided to go with while adopting the overall text amendments. Mr. Wetterow stated that would be acceptable. Mr. Boyle stated this would be ok, but reminded the Chairperson to be as specific

as possible in the motion. Mr. Boyle asked if this motion was going before City Council for approval. Mr. Wetterow responded in the affirmative. Mr. Wetterow noted there a still a few more text amendments staff would like to bring before the Commission and once the Commission has voted on those, then staff will take all of the text amendments as a single request to the City Council for approval.

Mr. Wetterow and Ms. Pemberton provided a detailed summary of the remaining proposed text amendments and noted which text amendments had been previous discussed and how they had been incorporated in the text changes before the Commission.

Mr. Wetterow noted the exact language of motion which the Commission had before them relating to the text amendments.

Commissioner Krieger left the meeting at 5:00pm.

Chairperson Mohr asked the Commission if Mr. Wetterow and Ms. Pemberton needed to continue covering the proposed text changes in detail or was the Commission comfortable moving forward as these changes had been previously discussed and reviewed by the Commission. Mr. Wetterow stated he would proceed but with only those items not previously discussed.

Staff briefly introduced text changes they would likely be bringing before the Commission at the October meeting.

Chairperson Mohr asked the Commission is they had any questions for staff.

Chairperson Mohr had a few clarify questions.

His first question was to clarify that the accessory buildings discussed were for non-dwelling accessory dwellings. Ms. Pemberton stated that is correct, expect for an exception here or there.

His second question was related to assisted living facilities and the removal of the age restriction. Mr. Wetterow apologized as this was brought up by the Chair as the last meeting and staff had agreed to remove the age restriction. The language will be revised to remove the age restriction.

His third question was about the removal of a birthing center as he believes there is one currently in operation within the City. How would a birthing center be defined under the new code? Ms. Pemberton stated it would be classified under a general medical facility. Mr. Wetterow stated there was no need to treat them any different than any other general medical facility in terms of where they are permitted.

The Chairperson noted he was in favor of removing the square footage requirements for grocery stores as he believes this will help address the issue of food deserts and allow for more variety in the types of stores. The Chairperson noted a typo on page 20 and asked if a motion was needed to amend this. Mr. Boyle indicated a motion approving the text amendment with that and other amendments could be made.

The Chairperson inquired about adjusting submission requirements associated with application and if that was going to be addressed as it was mentioned in the previous meeting. Ms. Pemberton noted it was discussed, but the requirements are within Chapter 24 which is outside our current purview to amend. Ms. Pemberton noted this is something that is tangentially being worked out. Mr. Wetterow noted Ms. Pemberton was correct as the Chair was referring to Chapter 24 which is the Subdivision section of the code.

No further questions from the Commission.

The Chairperson opened the public hearing.

Neil Finlen (Farnsworth Group, 2709 McGraw Drive) thanked staff for working on these text amendments as it was a surprise to all to find out some of these changes that were made with the 2019 revisions. Mr. Finlen wanted to address the implications this has for the R-2 zoning, in that it allows two to three subdivision that were held in abeyance to now proceed forward once these amendments are adopted. Mr. Finlen noted that as Chair of the Economic Development Counsel on Real Estate Committee and this group is very keen on the need for all forms of housing. By again permitting attached housing, like zero-lot-line duplex development, a level of affordable housing is being restored and will allow the City to grow at the pace it needs to. He appreciates the idea of simplicity and allowing uses to be permitted as they were before, especially in the R-2 zoning district. Mr. Wetterow noted the proposed text amendments do just that as single-family attached would now fall under two-family.

Roger Scott (20 Rosewood Ct.) spoke in support of single-family attached being permitted within the R-2 zoning. Mr. Scott noted he is the executive director of the *Habitat for Humanity for McLean County*. Many of the lots donated to Habitat for Humanity are small, but every so often they receive a larger lot. These text changes would allow them to put zero-lot-line duplexes on these larger lots and achieve a greater density and benefit in they can provide more homes.

Chair Mohr closed public hearing and asked the Commission if they had any further questions.

Mr. Boyle suggested the text amendments addressing the legislative and administrative processes be table at this time to allow legal staff more time to review the changes.

The Chairperson noted the aggregated text amendment changes reflected the selection of option one as it related to attached housing like zero-lot-line duplexes. Ms. Pemberton stated that is correct and noted the proposed text amendments could be made an attachment to the minutes.

Chairperson Mohr went over the procedure for approving and making amendments to the motion to approve the text amendments.

A motion was made by Commissioner Patino to accept, and recommend for approval, the text amendments as proposed and presented by staff, with the exception of the site plan review section and as amended to correct the typo on page 20. Commissioner Muehleck seconded.

Chairperson Mohr noted this would be the time for the Commission to make other suggested amendment. Commissioner Beyer made a motion to amend the proposed text amendments to remove the age restrictions within the definition of assisted living facility. Commissioner Muehleck seconded. Mr. Muehleck - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, and Chair Mohr - Yes. (6-0). The motion passed.

Chairperson Mohr noted he was pleased the duplex issues was being resolved and was apologetic that the 2019 text amendments have caused development issues.

Chairperson Mohr noted the next vote would be to approve the prior motion, as amended. Mr. Muehleck - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, and Chair Mohr - Yes. (6-0). The motion passed.

OLD BUSINESS

Ms. Pemberton highlighted the text amendments which will be presented next month.

NEW BUSINESS

Mr. Wetterow wanted to remind the Commission the next meeting will be on Thursday October 6th.

ADJOURNMENT

Chairperson Mohr asked for a motion to adjourn. Commissioner Muehleck made said motion to adjourn. The motion was seconded by Commissioner Patino. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (6-0). The meeting was adjourned at 5:29 P.M.

DATE: September 7, 2022

CASE NO: Z-24-21, Text Amendments

ITEM: Combined Revisions to Chapter 44 – Definitions, Assisted Living, Process and Reference Cleanup

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

B. Allowed Uses Table.

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

[...]

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

B. Allowed Uses Table.

Table 402A: Residential Districts - Permitted and Special Uses										
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
Agricultural										
Apiary/Bee Keeping	P	P	P	P	P	P	P	P	P	§ 44-1005
Chicken-Keeping	S	S	S	S	S	S	S	S	S	§ 44-1011
Urban Agriculture						S	S		S	
Urban Garden			P	P	P	P	P	P	P	
RESIDENTIAL										
Household Living										
Dwelling Unit, Single-Family	P	P	P	P	P	P	P		P	
Dwelling Unit, Single-Family Attached					S	P	P		P	§ 44-1046
Dwelling Unit, Two-Family			S	S	P	P	P		P	§ 44-1046
Dwelling Unit, Multiple-Family					S	P	P		P	
Dwelling Unit, Multiple-Family Conversion (2 units)					S				P	§ 44-1040
Dwelling Unit, Multiple-Family Conversion (3+ units)					S				S	§ 44-1040
Manufactured Homes				P				P		
Mobile Homes								P		
Dwelling Unit, Accessory									S	
Live/Work Unit							S		S	
[...]										
Residential-Type										
Domestic Violence Shelter					P	P	P		P	
Home for the Aged Assisted Living Facilities						S	S		S	§ 44-1019
Other Institutional, Cultural										
[...]										
Offices										
Office Conversion									S	§ 44-1041
Medical or Dental Office or Clinic							S		S	§ 44-1024
Materials Testing Facility							S		S	
Medical Laboratory Facility							S		S	

[...]

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

B. Allowed Uses Table.

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
AGRICULTURAL							
Forestry	P	P					
Horticultural Services	P	P					
Urban Agriculture						P	
Urban Garden					P	P	
RESIDENTIAL							
Household Living							
Dwelling Unit , Single-Family				p ²		p ¹	
Dwelling Unit , Single-Family Attached	<u>S</u>	<u>P¹</u>	S		P	p ¹	<u>§ 44-1046</u>
Dwelling Unit , Two-Family		p ¹	S	p ²	P	p ¹	<u>§ 44-1046</u>
Dwelling Unit , Multiple-Family	<u>S</u>	p ¹	S	p ²	P	P	
Live/Work Unit	<u>S</u>	<u>P¹</u>	S	p ²	P	P	
Group Living							
[...]			S	p ²	P		§ 44-1019
Residential-Type							
Domestic Violence Shelter	P		P	P	P		
Home for the Aged <u>Assisted Living Facilities</u>	<u>S</u>	<u>P¹</u>	P		S	<u>P</u>	§ 44-1019
Other Institutional, Cultural							
Clubs and Lodges	P	P	P	S	P		§ 44-1012
Food Pantry	P	P	P		P		§ 44-1018
Libraries			P	P	P		
Museums and Cultural Institutions			P	P	P	P	
[...]							
Offices							
Financial Services	P	P	P	P	P		
General Offices, Business or Professional	P	P	P	P	P	P	
<u>Materials Testing Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	
Medical or Dental Office or Clinic	P	P	P	P	P		§ 44-1024
Medical Laboratory <u>Facility</u>	P	P	P				
Printing, Copying and Mailing Services	P	P	P	P	P	P	
Recording and Broadcast Studios	P		p ⁷	P		P	

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Research Facility or Laboratory	S		S			P	
[...]							
Storage and Equipment Yards							
Mini Warehouses	S						§ 44-1026
Parking Lot, Commercial	S	S	S	S		S	
<u>Warehouse</u>	<u>P</u> ¹		<u>S</u>			<u>P</u>	
Transportation							
Bus and Taxi Passenger Terminals	S			S	S	S	
Heliports, Heliport Terminals	S		S				
Rail Passenger Terminals	P			P			

[...]

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

B. Allowed Uses Table.

Table 602A: Manufacturing District - Permitted and Special Uses			
	M-1	M-2	Reference
Agricultural			
Apiary, Beekeeping	S		§ 44-1005
Aquaculture, Aquaponics, Hydroponics	P	P	
Animal Breeding Services	P ¹	P ¹	
Fish Hatcheries, Poultry Hatcheries	P ¹	P ¹	
Horticultural Services	P	P	
Urban Agriculture	P	P	
Urban Garden	P		
RESIDENTIAL			
Household Living			
Dwelling Unit , Single-Family	P ²	P ²	
Dwelling Unit , Multiple-Family	S	S	
INSTITUTIONAL			
Education			
Business and Trade Schools	P		
Government			
[...]			

Table 602A: Manufacturing District - Permitted and Special Uses			
	M-1	M-2	Reference
Offices			
Financial Services	P		
General Offices, Business or Professional	P	P	
<u>Materials Testing Facility</u>	<u>P</u>	<u>P</u>	
Medical or Dental Office or Clinic	P		§ 44-1024
Medical Laboratory <u>Facility</u>	P	P	
Printing, Copying and Mailing Services	P	P	
Research Facility or Laboratory	S	p ¹	
[...]			
INDUSTRIAL			
[...]			
Manufacturing and Production, Heavy			
Asphaltic Concrete Plants		S	§ 44-1006
Chemicals and Allied Industries		P	
Food and Kindred Industries	<u>S p¹</u>	P	
Paper and Allied Products Industry	P	P	
[...]			
Storage and Equipment Yards			
Aircraft Storage	P	P	
Composting Facility	P	P	
Junkyards		S	§ 44-1022
Marine Craft Storage, Marinas	p ¹	p ¹	
Mini Warehouses	p ¹	p ¹	§ 44-1026
Parking Lot, Commercial	p ¹	p ¹	
Petroleum Products Storage	P	P	
Railroad Marshalling Yards		S	
<u>Warehouse</u>	<u>P</u>	<u>P</u>	
Transportation			
Bus and Taxi Passenger Terminals	P		
[...]			
Notes:			
1.	A Special Use is required when the use adjoins a Residential District boundary line.		

[...]

Table 702A: Public Interest Districts - Permitted and Special Uses				
	P-1	P-2	P-3	Reference
Agricultural				
Agricultural		P	P	
Apiary, Beekeeping	S	S	S	§ 44-1005
<u>Chicken-Keeping</u>	<u>S</u>	<u>S</u>		
Forestry		P	P	
Horticultural Services			P	
Urban Agriculture	S	P	P	
Urban Garden	P	P	P	
RESIDENTIAL				
Household Living				
Dwelling Unit , Single-Family	P			
Dwelling Unit , Single-Family Attached	P	P		<u>§ 44-1046</u>
Dwelling Unit , Two-Family	P			<u>§ 44-1046</u>
Dwelling Unit , Multiple-Family	P	P		
[...]				
Residential-Type				
Adult and Juvenile Detention Facilities		S		
Domestic Violence Shelter	P			
Home for the Aged <u>Assisted Living Facilities</u>		<u>S</u> <u>P</u> ¹		§ 44-1019
Other Institutional, Cultural				
Clubs and Lodges	P	S	P	§ 44-1012
Food Pantry	P	P		§ 44-1018
Libraries	P	P	P	
[...]				
COMMERCIAL				
[...]				
Offices				
Financial Services			P ³	
General Offices, Business or Professional			P	
<u>Materials Testing Facility</u>	<u>P</u>	<u>S</u>		
Medical or Dental Office or Clinic	P			§ 44-1024

Table 702A: Public Interest Districts - Permitted and Special Uses

	P-1	P-2	P-3	Reference
Printing, Copying and Mailing Services	P		P	
Recording and Broadcast Studios			P	
[...]				
INDUSTRIAL				
[...]				
Storage and Equipment Yards				
Aircraft Storage			P	
Composting Facility		P		
Marine Craft Storage, Marinas			P	
Mini Warehouses			P	§ 44-1026
Parking Lot, Commercial	P	P	P	
Petroleum Products Storage			P	
<u>Warehouse</u>			<u>P</u>	
Transportation				
Airports and Landing Fields			P	§ 44-1003
Airport Passenger Terminals			P	
Bus and Taxi Passenger Terminals	P		p ³	
Heliports, Heliport Terminals			P	
Rail Passenger Terminals			p ³	
[...]				
Notes:				
1.	A Special Use is required when the use adjoins a Residential District boundary line.			
2.	Maximum permitted height is 45 feet or three stories, whichever is lower.			

[...]

§ 44-908 [Ch. 44, 9-8] Accessory buildings and uses.

On a lot devoted to a permitted principal use, customary accessory uses, and structures are authorized subject to the following standards and any applicable off-street parking requirements:

[...]

- 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:

[...]

(9) Structures or buildings that are accessory to manufactured homes or mobile homes are not to be considered permanent and shall not have permanent foundations (foundations forty (40) inches or more below grade). These structures shall be constructed to be free standing and not apply any additional loading situations to the manufactured home or mobile home it is associated with.

Article X [Ch. 44, 10] Use Provisions

§ 44-1011 [Ch. 44, 10-11] Chicken-keeping.

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, the keeping of up to four chickens may be permitted with Special Use Permit as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, the keeping of up to four chickens with Special Use Permit plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- C. Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.

[...]

§ 44-1031 [Ch. 44, 10-31] Solar energy conversion facilities.

- A. Construction and operation of solar energy conversion facilities shall comply with all applicable local, state, and federal requirements, including but not limited to safety, construction, environmental, electrical, communications and aviation requirements.

[...]

- E. Private solar energy conversion.

- (1) Building or roof-mounted systems.

[...]

- (2) Freestanding systems.

- (a) Use. Freestanding private solar energy systems shall be accessory to the principal permitted use of the parcel, unless such facilities are located on a parcel dedicated by recorded easement for the conversion of energy to serve multiple users within a development or subdivision as a community solar energy system. Such congregate use shall be subject to site plan approval pursuant to § 44-1709 of this Code.

- (b) Location.

- [1] In Residential Districts, accessory freestanding systems are permitted in the rear and side yards only, subject to the accessory structure provisions of § 44-908.

- [2] Freestanding systems approved pursuant to site plan approval shall not be located within the required front yard and shall in other respects comply with the accessory structure provisions of § 44-908.

- (c) Height. The height of freestanding solar energy systems is measured from the grade at the base of the pole to the highest edge of the system at maximum tilt. Freestanding solar energy systems shall comply with the following height standards.

- [1] Residential districts. The maximum height is four feet.

- [2] All other districts. The maximum height is 15 feet.

[...]

§ 44-1046 [Ch. 44, Sec. 10-46] Two-Family and Single-Family Attached Dwellings

- A. Orientation. Any shared, main entrance shall face the primary street.
- B. Location. The minimum required side-yard at interior lot lines shall be zero feet. The minimum distance between structures shall be at least 10 feet in any Zoning District.

[...]

§ 44-1105 [Ch. 44, 11-5] Discontinuance of use.

- A. Whenever any building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of the Code, such premises shall not thereafter be used or occupied by a nonconforming use.

[...]

- D. With the exception of single-family structures, built as such, when a structure containing a nonconforming use is damaged to an extent exceeding 50% of its gross floor area or replacement value the nonconforming use shall not be re-established, and the premises shall thereafter conform to the requirements of this Code.

[...]

Article XV Planned Unit Developments

§ 44-1503 [Ch. 44, 15-3] Design standards and criteria.

- A. The uses permitted within the planned unit development shall be the same as those authorized in the zoning district in which it is located.

[...]

- C. Beneficial common open space. Any common open space in the planned unit development shall be integrated into the overall design of the site. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. Desirable open space amenities include, but are not limited to plazas, gardens, playgrounds, and playing fields.

1. The following shall apply to all Common Recreation Spaces:

- a. The area may not be less than 10,000 square feet.
- b. The shortest distance between median points of any two sides of such common recreation space shall not be less than 36 feet.
- c. All recreation space shall not be less than 20 feet away from any first story residential building wall containing a window.

2. The following would not be considered usable common open space:

- a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.

[...]

§ 44-1601 [Ch. 44, 16-1] Rules of construction.

The language set forth in the text of this Code shall be interpreted in accordance with the following Rules of Construction, unless the context clearly requires a different construction:

- A. The singular includes the plural and the plural the singular;

[...]

- H. All provisions of this Code imposing duties upon the City, its officers or agents are directory, unless the context clearly requires the provision be construed as mandatory; and

- I. The term "Director" or "Director of Economic and Community Development" shall be inclusive of the Zoning Administrator and any designee authorized to act on behalf of the Director

- J. In the case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.

§ 44-1602 [Ch. 44, 16-2] Definitions "A."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

ABUTTING (ADJACENT, ADJOINING, CONTIGUOUS)

Having one or more common boundary line(s) or district line(s), or where two parcels are separated only by an alley or easement. Meeting or touching at some point or line; having a common border.

ACCESSORY BUILDING OR STRUCTURE OR USE

An accessory building, structure or use is one which:

- A. Is subordinate to and clearly and customarily incidental to the principal building or principal use; and
- B. Is subordinate in area, extent, and purpose to the principal building or principal use served; and
- C. Contributes to the comfort, convenience, or necessity of occupants to the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served; and
- ~~E. Structures or buildings that are accessory to manufactured homes or mobile homes are not to be considered permanent and shall not have permanent foundations (foundations 40 inches or more below grade); and~~
- ~~F. Structures or buildings that are accessory to manufactured homes or mobile homes shall be constructed to be free standing and not apply any additional loading situations to the manufactured home or mobile home it is associated with; and~~
- G. The structural integrity of such accessory buildings or structures shall be in compliance with the International Residential Code, as adopted by the City Council in Bloomington City Code, Ch 10.

[...]

AGENCY-OPERATED FAMILY HOME

A ~~child-care~~ facility which provides care for no more than four children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. The term "agency-operated home" shall also be deemed to mean an agency staffed home which provides resident services to not more than four individuals who are handicapped, aged, developmentally disabled or mentally ill. An agency-operated family home provides 24 hour Twenty-four-hour adult supervision shall be mandatory in an agency-operated family home and adult supervision and consultation and does not provide an alternative to incarceration for a criminal offense, nor placement for substance or alcohol abuse, shall be available to the residents thereof. A Special Use Permit issued on or after April 9, 1990, pursuant to Article X of this Code shall not authorize the operation of an agency-operated family home for persons for whom such facilities serve as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, unless the Special Use Permit specifically so provides. Agency-operated family homes shall be separated from one another by a distance of at least 1,000 feet.

AGENCY-OPERATED GROUP HOME

A ~~child-care~~ facility which provides care for more than four but not more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained, and otherwise operated by the agency. The term "agency-operated group home" shall also be deemed to mean an agency staffed home which provides resident services to more than four but not more than 10 individuals who are handicapped, aged, developmentally disabled, or mentally ill. An agency-operated family home provides 24 hour Twenty-four-hour adult supervision shall be mandatory in an agency-operated family home and adult supervision and consultation and does not provide an alternative to incarceration for a criminal offense, nor placement for substance or alcohol abuse, shall be available to the residents thereof. A Special Use Permit issued on or after April 9, 1990, pursuant to Article X of this Code, shall not authorize the operation of an agency-operated group home for persons for whom, such facilities serve as an

~~alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, unless the Special Use Permit specifically so provides.~~

AGENCY-SUPERVISED HOME

A ~~child-care~~ facility under the direct and regular supervision of a licensed child welfare agency (including an agency which receives or arranges for the care or placement of children who have behavioral problems involving violations of criminal law), of the Illinois Department of Children and Family Services, of a circuit court, or of any other state agency which has authority to place children in child care facilities, and which receives no more than eight children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

AGRICULTURAL (AGRICULTURAL USES)

The growing, harvesting and storing of crops including legumes, hay, grain, fruit ~~and truck~~ or vegetable crops, floriculture, horticulture, viticulture, mushroom growing, orchards and forestry; farm buildings for storing and protecting farm machinery and equipment from the elements; and farm dwelling units occupied by farm owners, operators, tenants or seasonable or year-round hired farm workers. This definition ~~of Agriculture and agricultural uses~~ includes all types of agricultural operations, but excludes therefrom animal husbandry and industrial operations such as grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

[...]

AIR CURTAIN INCINERATOR

~~An incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs.~~

[...]

ALLEY

~~A public right-of-way~~ Any roadway, other than a city street, which is less than 30 feet wide and affords a secondary means of access to ~~abutting~~ property and is not intended for general traffic circulation. Frontage on an alley shall not be construed as satisfying the requirements related to a frontage on a public street.

ALTERATION

As applied to a building or structure, alteration shall mean any change in size, shape or construction ~~or character~~ of a building or structure; any change to structural members such as walls or partitions, columns, beams or girders; or any change in the use thereof. As applied to a building or structure in the S-4 Historic Preservation District, alteration also means any act or process that changes ~~one (1) or more of~~ the exterior architectural features appearance of a building or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any building or structure in whole or in part.

AMBULATORY SURGICAL TREATMENT CENTER ~~OR SURGI-CENTER~~

Any institution, place or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures or any facility in which a medical or surgical procedure is utilized to terminate a pregnancy, irrespective of whether the facility is devoted primarily to this purpose. Such facility shall not provide beds or other accommodations for the overnight stay of patients; however, facilities devoted exclusively to the treatment of children may provide accommodations and beds for their patients for up to 23 hours following admission. Individual patients shall be discharged in an ambulatory condition without danger to the continued wellbeing of the patients or shall be transferred to a hospital. The term 'ambulatory surgical treatment center' ~~or 'surgi-center'~~ does not include any of the following:

- A. Any institution, place, building, or agency required to be licensed pursuant to the "Hospital Licensing Act" approved July 1, 1953, as amended.

- B. Any person or institution required to be licensed pursuant to the 'Nursing Home Care Act', approved August 23, 1979, as amended.
- C. Hospitals or ambulatory surgical treatment centers maintained by the State or any department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitals or ambulatory surgical treatment centers under its management and control.
- D. Hospitals and ambulatory surgical treatment centers maintained by the Federal Government or agencies thereof.
- E. Any place, agency, clinic, or practice, public or private, whether organized for profit or not, devoted exclusively to the performance of dental or oral surgical procedures.

[...]

ANIMAL RUN

An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals in the context of kennels ~~as a special use.~~

[...]

APIARY (BEEKEEPING)

A location where beehives of honey bees are kept. May refer to hives meant for commercial, personal, or educational use. The maintenance of honey bee colonies for commercial, personal, or educational purposes including, to collect their honey, beeswax, propolis, flower pollen, bee pollen, and royal jelly; to pollinate crops; or to produce bees for sale to other bee keepers.

[...]

ARBOR

A shelter of vines or branches or of latticework covered with climbing shrubs or vines.

ARCHITECTURAL FEATURE

An element of a building or a structural including, but not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

[...]

ASSISTED LIVING FACILITIES

Any home operated which through its ownership or management and as its principal objective provides maintenance and personal care, nursing, or sheltered care to aged persons, and in the conduct of which provides such service or services to not less than three persons ~~over 60 years of age~~ who are not related to the applicant or owner by blood or marriage.

Removed by Planning
Commission 9/7/22

[...]

§ 44-1603 [Ch. 44, 16-3] Definitions "B."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

BASEMENT (CELLAR)

The story of a building which is partly below and partly above grade, and having at least 1/2 its height above grade. ~~(See "Grade," "Story" and "Cellar".)~~

BASE STATION

A lawfully constructed structure at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, but does not encompass a tower or any equipment associated with a tower. The term includes but is not limited to radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

[...]

BEEKEEPING. See “Apiary”.

~~The maintenance of honey bee colonies for commercial, personal, or educational purposes including, to collect their honey, beeswax, propolis, flower pollen, bee pollen, and royal jelly; to pollinate crops; or to produce bees for sale to other bee keepers.~~

[...]

BIRTHING CENTER

~~A facility offering low risk, generally healthy pregnant females the option of experiencing childbirth in a non hospital setting on an outpatient basis. Generally these individuals will be discharged to home after a short observance during the postpartum period not to exceed 24 hours after delivery. The facility shall comply with all statutory and administrative regulations that may be enacted from time to time and shall include a collaborative agreement with a physician specializing in obstetrical care or physician licensed to practice medicine in all branches. Advanced practice nurses, including certified nurse midwives as defined and mandated by 225 ILCS 65/15-5 and 225-65/15-15, may participate in the childbirth process provided all statutory and administrative regulations are complied with and met.~~

[...]

BOARDING AND ROOMING HOUSE

Any residential building, or any part thereof, containing one or more rooming units, A building arranged or used for lodging, with or without meals, for compensation, by four or more than five and not more than 20 individuals.~~in which space is let by the owner or operator to four or more persons~~ who do not constitute a family.

BOARDING SCHOOL

An educational facility in which all or a portion of students live on premises.

~~BOOK, STATIONERY STORES, NEWSSTANDS~~

~~Any business establishment having as a substantial or significant portion of its stock in trade, books, magazines, newspapers, other periodicals and stationery but excludes therefrom any "adult media store" as defined herein.~~

BROADCAST STUDIO. See “Recording Studio”.

BUFFER

Vegetative material, structures (e.g. walls, fences), berms, or any combination of these elements that are used to separate and screen land uses from one another.

[...]

BUILDING MATERIALS AND SUPPLIES

~~An establishment which sells materials and supplies used in the construction of buildings.~~
Retailing, wholesaling, or rental of building supplies and equipment. This classification includes but is not limited to floor covering stores, heating and plumbing equipment sales and lumber yards, but excludes retail sale of paint, glass, wallpaper and hardware activities classified under “vehicle sales and service.

BUILDING SETBACK (REQUIRED YARD)

The area established by this Code, into which a building shall not extend, except as otherwise provided for by this Code.

BUILDING SETBACK LINE (REQUIRED YARD LINE)

The line established by this Code, beyond which a building shall not extend, except as otherwise provided for by this Code.

[...]

BUILDING, RESIDENTIAL

A building which is arranged, designed, used as intended to be used for residential occupancy by one or more persons and which includes, but is not limited, to the following types:

- A. Single-family attached and detached dwelling units.
- B. Two-family dwelling units.
- C. Multiple-family dwelling units.
- D. Agency supervised homes.
- E. Agency-operated family homes.
- F. Agency-operated group homes.
- G. Barracks, convents, monasteries.
- H. Group homes for parolees.
- I. Dormitories.

~~J. Homes for the aged. Assisted Living Facilities.~~

BUILDING, TEMPORARY

Any building not designed or intended to be permanently located, placed or affixed in the place where it is, typically in place during construction of a principal structure, a special event, or for a period not to exceed one (1) year but such building shall not be permitted for more than one (1) year.

[...]

§ 44-1604 [Ch. 44, 16-4] Definitions "C."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

CANOPY

A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground ~~directly under the canopy placed~~ so as to extend outward from the building providing a protective shield for doors, windows and other openings.

[...]

CELLAR. See "Basement".

~~The portion of a building which is partly or completely below grade and having at least 1/2 its height below grade (see "grade," "story" and "basement").~~

CEMETERY

~~Property used for the interring of the dead. Land used or intended to be used for the burial of the human dead, including columbaria, mausoleums and mortuaries, if operated in connection with, and within the boundaries of such cemetery.~~

[...]

~~CHARITABLE ORGANIZATION (PHILANTHROPIC ORGANIZATION)~~ ^X

~~Nonprofit organizations that are supported primarily by charity or benevolence and whose principal function is the performance of charitable or humanitarian works or religious activities. This definition shall include but not be limited to churches, mosques, temples, synagogues, or other religious institutions. Social organizations and clubs shall not be included in this definition.~~

[...]

CLOTHING CARE

~~An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere. A commercial business established for the maintenance, cleaning or alteration of apparel, including but not limited to tailor, dry cleaning, coin laundry, shoe repair, etc.~~

[...]

~~CLUSTER SUBDIVISION~~

~~A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the subdivision is located, in return for the provision of permanent open space. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land used for recreation, common open space, or the preservation of historically or environmentally sensitive features.~~

[...]

COLLEGE (UNIVERSITY)

An institution of higher education accredited by a regional organization or authorized by the State of Illinois to issue undergraduate, graduate, and professional level degrees. A college or university shall be inclusive of college administration buildings, classrooms and laboratories, maintenance facilities, dormitories, athletic buildings and fields, student clubs and associations, libraries and other facilities or buildings customarily associated with a college or university.

[...]

COMMERCIAL. See “Business”.

[...]

COMMON RECREATION SPACE

A privately-owned and maintained parcel or parcels of land reserved primarily for the leisure and recreational use of the residents of a planned unit development. ~~and privately-owned and maintained in accordance with Chapter 24, § 24-502C, of the Bloomington City Code, 1960, as amended. All common recreation space shall have an area of not less than 10,000 square feet. The shortest distance between median points of any two sides of such common recreation space shall not be less than 36 feet. All recreation space shall not be less than 20 feet away from any first story residential building wall containing a window.~~

[...]

~~CONVALESCENT HOME~~

~~A privately operated establishment devoted to the care of persons during the recuperative stage of an illness, or in which persons may be cared for during an illness. This definition shall not be construed to imply or permit the practice of general hospital functions such as major surgical operations or the rendering of service beyond nursing care in the operation of nursing homes or sheltered care homes or homes for the aged, as defined herein and as regulated by 210 ILCS 45/1-~~

[...]

CREMATORY

A building or facility in which human remains are incinerated to ashes.

[...]

CURRENCY EXCHANGE

~~An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Further this classification does not include establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business.~~

§ 44-1605 [Ch. 44, 16-5] Definitions "D."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

DAY-CARE CENTER

A facility that provides supervision and care for people who cannot be fully independent, such as children and the elderly. Includes and child an adult day-care facilities.

A. CHILD DAY-CARE HOME

A premises in which care is provided for more than three children that is licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969 (225 ILCS 10/1 et seq.). No day care home operator may care for more than a total of eight children, not including the caregiver's own children under age 12.

B. CHILD DAY-CARE CENTER (NURSERY AND NIGHT-CARE CENTER)

A premises licensed by the State of Illinois and receiving more than eight children 12 years of age and under for care during all or part of a day or night for consideration. As used herein the term children does not include the children of the operator(s) of the Day-care center.

C. ADULT DAY-CARE CENTER HOME (NIGHT-CARE HOME)

A premises that provides social or recreational programs, health services, supervision, or other care for functionally or cognitively impaired adults principally during daytime hours, not more than 12 hours a day or more than 6 days per week; this definition includes adult day health care centers but does not include Assisted Living Facilities, hospitals, or other facilities that routinely provide medical treatment or overnight care.

[...]

DIAGNOSTIC LABORATORY TESTING FACILITY

~~A facility offering diagnostic and/or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis and any other diagnostic test generally recognized in the health care industry.~~

[...]

DISPLAY PUBLICLY

~~The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from property of others, or from any portion of the premises where items and material other than adult media are on display to the public.~~

[...]

DRIVE-IN

~~A business or institution where a principal use is the offering of goods or services to be carried out or to be served to customers waiting in parked motor vehicles, but which may have facilities for offering such goods or services to customers for use or consumption within the building.~~

[...]

DWELLING

A building designed or used principally for residential occupancy, including, without limitation, single-family dwellings, two-family dwellings, and multiple-family dwellings.

A. **SINGLE FAMILY** A type of Dwelling. A dwelling containing one (1) dwelling unit surrounded by open space with no party wall.

B. **TWO-FAMILY (DUPLEX)** A type of Dwelling. A dwelling containing two (2) dwelling units. Two-Family dwellings include buildings, designed for and occupied by two families living together independently of each other, with or without a shared entrance, integrated vertically or horizontally. This includes dwellings that span two parcels, each designed for and occupied by a single family, having one common party wall and one side yard per lot.

C. **SINGLE-FAMILY ATTACHED (TOWNHOUSE, ROWHOUSE)**

A type of Dwelling. A series of three or more noncommunicating single-family dwellings having a common party wall between each two adjacent sections. Each dwelling unit shall occupy the internal space from the ground to the roof. "Dwelling, Single-Family Attached" refers to the design of a building and does not reflect the type of ownership of the individual units.

D. **MULTIPLE-FAMILY**

A type of Dwelling. A dwelling containing three (3) or more dwelling units, with or without a shared entrance, whether integrated vertically or horizontally.

DWELLING UNIT, ATTACHED

~~A building containing two or more abutting dwelling units that share a common wall at the lot line and that are on separate lots.~~

DWELLING UNIT, DETACHED

~~A dwelling unit surrounded by open space on the same lot.~~

DWELLING UNIT, MULTIPLE-FAMILY

~~A dwelling containing more than two dwelling units.~~

DWELLING UNIT, SINGLE-FAMILY

~~A dwelling, containing one dwelling unit.~~

DWELLING UNIT, SINGLE-FAMILY ATTACHED

~~A dwelling containing two or more dwelling units each with their own entrance.~~

DWELLING UNIT, TWO-FAMILY (DUPLEX)

~~A dwelling containing two dwelling units with a common entrance.~~

[...]

DWELLING, CONVERSION, TWO-FAMILY (2 UNITS)

A building originally designed or intended to be used principally as a single-family residence, which has been legally converted into use as a two-family residence.

DWELLING, CONVERSION, MULTIPLE-FAMILY (3+ UNITS)

A building originally designed or intended to be used principally as a single-family residence, which has been legally converted into use as a multifamily residence.

§ 44-1606 [Ch. 44, 16-6] Definitions "E."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

ELEEMOSYNARY

~~Of, relating to, or supported by charity.~~

ELECTRICITY PRODUCTION PLANT

An industrial facility for the generation of electric power. An electricity production plant contains one of more generators and utilized energy sources such as coal, oil, natural gas, and hydroelectric. This definition does not include Nuclear Power Plants.

ELECTRONICS ASSEMBLY PLANT

A manufacturing and assembly plant where components are assembled for finished consumer electronics such as computer hardware, software, electronic devices, semiconductors, telecommunications equipment and similar technological devices.

[...]

§ 44-1607 [Ch. 44, 16-7] Definitions "F."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

FABRICATED METAL INDUSTRIES

The manufacturing process by which metal is transformed into intermediate or end products, other than machinery, computers and electronics, and metal furniture. Fabricated metal processes include forging, stamping, bending, forming, and machining used to shape individual pieces of metal; and welding and assembling, used to join separate parts together.

[...]

FISH HATCHERY

A parcel or building where ~~commercial~~ water dependent fishery facilities are located.

[...]

FRONTAGE

The measure of lineal contiguity between a lot or portion thereof and a street, ~~alley~~ or public way.

[...]

FURNITURE AND FIXTURES INDUSTRIES

Manufacturing establishments engaged in the production of wooden furnishings, cases and cabinets.

§ 44-1608 [Ch. 44, 16-8] Definitions "G."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

GLARE. See "Lighting, Glare".

[...]

GRADE

~~The ground elevation established for the purpose of regulating the height of a structure; the grade shall be the level of the ground adjacent to the structure if the finished grade is level; if the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground for each side of the structure, as measured six (6) feet from the exterior walls of the structure. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the referenced plane shall be established by the lowest points within the area between the building and the lot line; or, when the lot line is more than six feet (1,829 millimeters) from the building, between the building and a point six feet (1,829 millimeters) from the building.~~

GROCERY STORE, SUPERMARKET

A retail establishment ~~with more than 40,000 square feet of gross floor area~~ which primarily sells food products for home preparation and consumption, convenience, and household goods, and secondarily sells prepared food items.

[...]

GROUP LIVING

Residential occupancy of a dwelling unit by other than a household and providing communal facilities; typical uses include adult foster care facilities, assisted living facilities, nursing homes, and transitional shelters.

[...]

GUESTS, PERMANENT

~~A person who occupies or has the right to occupy a hotel, motel, or apartment hotel accommodation as his place of permanent residence.~~

[...]

§ 44-1609 [Ch. 44, 16-9] Definitions "H."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

HOME FOR THE AGED

~~Any home operated not for profit under the auspices of a religious, fraternal, charitable, or other nonprofit organization, or operated not for profit under an endowment which through its ownership or management and as its principal objective provides maintenance and personal care, nursing, or sheltered care to aged persons, and in the conduct of which provides such service or services to not less than three persons over 60 years of age who are not related to the applicant or owner by blood or marriage. Such terms shall not include the following:~~

- ~~A.—A home, institution, or other place operated by the Federal Government or agency thereof, or by the State of Illinois, political subdivision thereof, or a municipal corporation therein;~~
- ~~B.—A hospital, sanitarium, or other institution whose principal activity or business is the care and treatment of persons suffering from mental or nervous diseases;~~
- ~~C.—A hospital, sanitarium, or other institution whose principal activity is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities thereof;~~
- ~~D.—Any child welfare agency, maternity hospital, or lying-in home required to be licensed by the State of Illinois.~~

[...]

HOTEL (MOTEL, MOTOR HOTEL)

An establishment which is open to transient guests, in contradistinction to a boarding house, lodging house, or apartment hotel, and is commonly known as a hotel (motel) in the community in which it is located; and which provides customary hotel services such as mail service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellhop service. A hotel may include a restaurant or cocktail lounge, banquet halls, ballrooms, or meeting rooms as accessory use.

[...]

§ 44-1610 [Ch. 44, 16-10] Definitions "I."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

IMPROVEMENT

constituting [SIC]

Any building, structure, place, work of art, or other object ~~constitution~~ a physical betterment of real property, or any part of the betterment.

INFRASTRUCTURE

Public or private structures that serve the common needs of the population, such as: potable water systems; wastewater disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

~~INSTITUTIONAL HOME FOR THE CARE OF CHILDREN (CHILD CARE INSTITUTION)~~

~~A child care facility where more than seven children are: received and maintained for the purpose of providing them with care or training or both. The term "institution home for child care" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:~~

- ~~A. Any state operated institution for child care established by legislative action;~~
- ~~B. Any juvenile detention home established and operated by county or child protection district established under the Illinois Child Protection Act," as amended;~~
- ~~C. Any institution, home, place or facility operating under a license pursuant to the Illinois "Nursing Homes, Sheltered Care Homes, and Homes for the Aged Act," as amended;~~
- ~~D. Any bonafide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis; or~~
- ~~E. Any facility licensed as a "group home" or "night care center" as defined in the Illinois "Child Care Act of 1969," as amended.~~

INSTRUCTIONAL STUDIO

A small-scale facility, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples include but are not limited to individual and group instruction and training in the arts; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. A workroom for the purpose of instruction in a wide variety of fields including but not limited to architecture, acting, pottery, painting, graphic design, and filmmaking.

§ 44-1611 [Ch. 44, 16-11] Definitions "J."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

JUNKYARD (SALVAGE YARD)

Any lot, land, parcel, building, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Such terms shall also include any place of business, storage, or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap. This use includes vehicle salvage yards where two (2) or more unregistered or inoperable motor vehicles are dismantled or wrecked; any lot or parcel of land where two (2) or more unregistered, or inoperable, dismantled or wrecked motor vehicles or are stored, sold or dumped outdoors; or where used parts of motor vehicles or old iron, metal glass, paper, cordage, or other waste or discarded or secondhand material which has been a part of any motor vehicle are deposited for a period exceeding thirty (30) days.

§ 44-1612 [Ch. 44, 16-12] Definitions "K."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

§ 44-1613 [Ch. 44, 16-13] Definitions "L."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

LOT

A quantity of land capable of being described with such certainties that its location and boundaries may be established, and which is designated by its owner or developer as land to be conveyed, used or developed as a unit or which has been conveyed, used or developed as a unit, including any easements within its boundaries. Such lot shall have a frontage on an improved public street or on an approved private street.

- A. AREA** The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.
- B. LINE, FRONT** That lot line which is abutting a public street or private street.
- C. LINE, REAR** That lot line which is most distant from and is roughly parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- D. LINE, SIDE** Any lot line which is not a front or rear lot line.
- E. OF RECORD** A lot which is part of a subdivision recorded in the office of the McLean County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- F. CORNER** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.
- G. DEPTH** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- H. FRONTAGE** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered as having lot frontage.
- I. INTERIOR** A lot which faces on one street or with opposite sides on two streets.
- J. LINE** A property line dividing one lot from another, or from a street, pedestrian way, or railroad right-of-way.
- K. NON-CONFORMING** (See "nonconforming lot.")
- L. OUT** A lot depicted on a Final Subdivision Plat which does not meet the requirements of this Code for lots of record and which may not be used for building or parking lots.
- M. REVERSED CORNER** A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135°) to the general pattern in the area. A reversed corner lot may also be a corner lot, an interior lot or a through lot.

- N. THROUGH A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- O. WIDTH The horizontal distance between side lot lines of a lot measured at the required front yard setback line.
- P. ZONING A parcel of land that is designated by its owner at the time of applying for a building permit as one lot, all of which is to be used, developed, or built upon as a unit under single ownership. Such lot may consist of: a. single recorded lot; b. a portion of a recorded lot; or c. a combination of complete recorded lots, complete recorded lots and portions of recorded lots, or portions of recorded lots.

LOT AREA

~~The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.~~

LOT LINE, FRONT

~~That lot line which is abutting a public street or private street.~~

LOT LINE, REAR

~~That lot line which is most distant from and is roughly parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.~~

LOT LINE, SIDE

~~Any lot line which is not a front or rear lot line.~~

LOT OF RECORD

~~A lot which is part of a subdivision recorded in the office of the McLean County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.~~

LOT, CORNER

~~A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.~~

LOT, DEPTH

~~The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.~~

LOT, FRONTAGE

~~The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered as having lot frontage.~~

LOT, INTERIOR

~~A lot which faces on one street or with opposite sides on two streets.~~

LOT, LINE

~~A property line dividing one lot from another, or from a street, pedestrian way, or railroad right-of-way.~~

LOT, NON-CONFORMING

~~(See "noneonforming lot.")~~

LOT, OUT

~~A lot depicted on a Final Subdivision Plat which does not meet the requirements of this Code for lots of record and which may not be used for building or parking lots.~~

LOT, REVERSED CORNER

~~A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135°) to the general pattern in the area. A reversed corner lot may also be a corner lot, an interior lot or a through lot.~~

LOT, THROUGH

~~A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.~~

LOT, WIDTH

~~The horizontal distance between side lot lines of a lot measured at the required front yard setback line.~~

LOT, ZONING

~~A parcel of land that is designated by its owner at the time of applying for a building permit as one lot, all of which is to be used, developed, or built upon as a unit under single ownership. Such lot may consist of: a. a single recorded lot; b. a portion of a recorded lot; or c. a combination of complete recorded lots, complete recorded lots and portions of recorded lots, or portions of recorded lots.~~

LUMBER AND WOOD INDUSTRIES

The conversion of logs into wood products through mechanical processes and extraction of residual by-products. Products of lumber and wood industries include but are not limited to lumber, veneer, plywood, particleboard, wood pellets, wood composites, wood chips, sawdust and shavings.

§ 44-1614 [Ch. 44, 16-14] Definitions "M."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

MATERIALS TESTING FACILITY

A facility offering testing and analysis of non-hazardous materials, using methods not consisting of live human or animal testing; testing facilities other than those generally recognized in the health care industry.

[...]

MEDIA SHOP

~~A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of "adult media shop" shall be treated as an adult media store. (See special conditions in Section 6-30(16) and Appendix "C" (16) of this Code for media shops in which adult media constitute less than 10% of the stock in trade or occupy less than 10% of the floor area.~~

MEDICAL CENTER

A building or buildings, which may be arranged as a campus, where a range of medical services, support services, and ancillary services, including medical education, hospitals, research and rehabilitation facilities, are provided.

MEDICAL LABORATORY FACILITY

A facility offering diagnostic and/or pathological testing of analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis and any other diagnostic test generally recognized in the health care industry.

[...]

MODULAR UNIT

A building constructed on-site in accordance with Chapter 10 of the Bloomington City Code, 1960, as amended, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A Modular Unit is a form of construction and not a use type; the underlying use shall determine the location and appropriateness of such structures.

[...]

MULTIFAMILY CONVERSION See "DWELLING, CONVERSION".

~~A building originally designed or intended to be used principally as a single family residence, which has been legally converted into use as a multifamily residence.~~

[...]

§ 44-1615 [Ch. 44, 16-15] Definitions "N."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

NATURAL GAS PRODUCTION PLANT

A facility designed for cleaning raw natural gas by isolating several non-methane fluids, hydrocarbons and other impurities to produce pipeline quality natural gas.

[...]

NUCLEAR POWER PLANT

A facility that converts atomic energy into usable power. In a nuclear electric power plant, heat produced by a reactor is generally used to drive a turbine which in turn drives an electric generator.

[...]

§ 44-1616 [Ch. 44, 16-16] Definitions "O."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

OUTDOOR STORAGE

The keeping of personal or business property or motor vehicles in a required open parking space or in any area outside of a building for a period of time exceeding 24 consecutive hours.

~~OUTDOOR STORAGE, BULK~~

~~Goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed or fertilizer, wood, etc. Motor vehicle storage shall not be included in this definition.~~

~~OUTDOOR STORAGE, NON-BULK~~

~~Goods for sale, storage, or display that are distinguished from bulk items by being small in size, mass, or volume and not requiring a mechanical lifting device to move them. Includes but is not limited to storage of bikes, light weight furniture, lawn accessories, and other items that can be easily moved indoors at the close of the business day.~~

~~OUTDOOR STORAGE, SEASONAL~~

~~Outdoor storage of items for retail sale that are, by their nature, sold during a peak season, including but not limited to such items as fruits, vegetables, Christmas trees, pumpkins, lawn accessories, bedding plants, etc.~~

[...]

§ 44-1617 [Ch. 44, 16-17] Definitions "P."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

PARKING LOT

An outside area, not on public right-of-way, exclusive of driveways, used for the parking of motor vehicles, ~~and is established as the principal use of the lot.~~ For purposes of computing the number of parking spaces in a lot, all areas used for parking under unified control on the same or contiguous

parcels of land, shall be considered as one lot.

[...]

PARKING LOT LANDSCAPING

Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

[...]

PARTY WALL

A common wall ~~used or adopted for joint service between two buildings, extending from the ground to the roof, that divides contiguous dwelling units or buildings.~~

PEDESTRIAN WAY

A right-of-way or designated pedestrian path across or within a block designated for pedestrian use.

[...]

PERFORMANCE STANDARD

A criterion established to measure control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings. Regulations for the control of dangerous or objectional elements.

[...]

PERVIOUS SURFACE

An area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.

[...]

PLACE OF OUTDOOR ASSEMBLY

~~Premises used or intended to be used for public gatherings of 200 or more individuals in other than buildings. This definition shall apply only to this Code.~~

PLACE OF WORSHIP

See "charitable organization (philanthropic organization)."—A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

[...]

PRIMARY ENTRANCE

The doorway into a building that faces a public street and is of greatest importance relative to other building entrances; the primary entrance is often the doorway facing the street on which the building is addressed.

[...]

§ 44-1618 [Ch. 44, 16-18] Definitions "Q."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

(Reserved)

§ 44-1619 [Ch. 44, 16-19] Definitions "R."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

REDEVELOPMENT.

Any expansion, addition, renovation, or major change to an existing building, structure or aspect of development.

REFRACTORY LINED PIT BURNER

An incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs. Used for the combustion of unvarnished, unpainted, unlacquered, and/or unstained clean wood.

REFUSE

The entire scope of several categories of natural and man-made waste including garbage and debris.

REFUSE DISPOSAL SERVICES

The professional collection and disposal of refuse. Collection and transport services of refuse, whether from households or from industrial and commercial establishments.

[...]

REQUIRED PARKING

Parking space(s) or parking lot which is a required accessory use to a principal use of a lot. Required parking shall be on the same lot as the principal use to which it is an accessory use. ~~In cases where § 44-702C(2) of this Code (off premise, off street parking) is used, said required parking shall be on a parking lot as defined in this Code.~~

[...]

RESTAURANT (CAFETERIA)

A commercial establishment ~~in excess of 2,000 gross square feet,~~ where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50% of the gross sales receipts for food and beverages.

[...]

RESTAURANT, SMALL

~~A restaurant containing 2,000 or fewer gross square feet and seating for 10 or more patrons.~~

RETAIL SALES, GENERAL

An establishment engaged in selling commodities or goods to ultimate customers or consumers. Uses that provide for the general sale of merchandise directly to customers. Such uses sell consumer items including but not limited to appliances, books, clothing and shoes, electronics, farm supplies, flowers, furniture, garden supplies, greeting cards, hobby supplies home décor, hardware and home improvement goods, linens, media, monuments, records, outdoor supplies and recreation equipment, sporting goods, and toys.

[...]

RIDING STABLE (RIDING SCHOOL)

The lot, grounds and building where horses are bred, raised, boarded, or kept for remuneration, hire or sale.

RIGHT-OF-WAY

The area on, below, or above a public roadway, highway, street, public sidewalk, alley, parkway, or utility easement legally dedicated for compatible use.

[...]

ROOFLINE

For a pitched roof, the roof line is the lower edge of the eave; for a flat roof, the roof line is the uppermost line of the roof of a building; and for an extended façade or parapet, the roof line is uppermost height of said façade or parapet.

[...]

ROOMING HOUSE

~~Any residential building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who do not constitute a family.~~

[...]

RUBBER AND PLASTIC INDUSTRIES

Establishments that manufacture products from plastic resins, natural and synthetic rubber, reclaimed rubber, gutta percha and balata.

[...]

§ 44-1620 [Ch. 44, 16-20] Definitions "S."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

SENIOR HOUSING

- ~~A. **CONGREGATE CARE** Independent senior living with centralized amenities including dining, housekeeping, and social/recreational activities. Limited medical services may or may not be provided. Residents live in separate apartments.~~
- ~~B. **ASSISTED SENIOR LIVING** Complexes that provide routine oversight or assistance with activities for independent living. Services include dining, housekeeping, and social/recreational activities. Medical administration and transportation services may also be provided. Skilled medical services are not required by residents. Residents live in separate apartments.~~
- ~~C. **CONVALESCENT/NURSING HOME** Facilities that provide care for persons who are not able to care for themselves.~~
- ~~D. **CONTINUING CARE** Facilities that provide multiple elements of senior living. Complexes may include multiple levels of senior living and care, including independent living, congregate care, assisted living, and convalescent facilities. Independent living housing may include apartments, group care, single room occupancies, detached or attached single family units.~~
- ~~E. **SENIOR HOUSING** Multi unit developments designed and legally restricted to limiting occupancies to at least one individual who is age 55 or older, and where at least 80% of the units contain at least one individual who is age 55 or older. Senior Housing developments may include single-family homes, duplexes, mobile homes, townhouses, or condominiums; may provide supportive services such as meals, housekeeping, social activities, and transportation; and may also be used to describe housing with few or no services such a Senior Apartments.~~

[...]

SHELTERED CARE HOME

~~A boarding home, institution, building, residence, or other place which, through its ownership or~~

~~management, provides sheltered care to three or more adults who are not related to the operator or owner by blood or marriage.~~

[...]

SOLID WASTE DISPOSAL AREA

A facility for the purpose of treating, burning, compacting, composting, storing, or disposing of solid waste. For the purpose of this definition, “disposal” means the placement of material at a location with the intent to leave it at such location indefinitely, or to fail to remove material from a location within forty-five (45) days.

[...]

SPECIALTY FOOD SHOP

A retail or limited service establishment for the sale of foods or beverages of a single type or line of product. Specialty foods may be consumed on-site or provided as carryout or packaged goods, and typically do not independently or collectively constitute a meal. Specialty food shops include, but are not limited to, coffee shops, candy stores, bakeries, ice cream shops, spice shops and tea shops. A retail establishment with less than 40,000 square feet of gross floor area which primarily sells food products for home preparation and consumption, convenience, and household goods, and secondarily sells prepared food items.

[...]

SWIMMING CLUB

A membership-based facility typically inclusive of a pool, clubhouse, and locker area where members may engage in recreational or competitive swimming. Any structure that is membership based and is intended for recreational bathing.

[...]

§ 44-1621 [Ch. 44, 16-21] Definitions "T."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

TEMPORARY STRUCTURE OR USE

A structure or use of limited duration, including special events, that comply with the standards set forth in this chapter and are discontinued upon the expiration of a set time period; temporary structures, uses and special events shall not involve the construction or alteration of any permanent building or structure.

TEMPORARY BUILDING

A building, structure, or use permitted to exist during construction of the main structure or use or during special events.

TERRACE

An uncovered, outdoor open area which can be near a landscape or building, or on a flat roof.

[...]

TEXTILE MILL PRODUCTS INDUSTRIES

Establishments engaged in performing any of the following operations: (1) preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage; (2) manufacturing broadwoven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; (3) dyeing and finishing fiber, yarn, fabrics, and knit apparel; (4) coating, waterproofing, or otherwise treating

fabrics; (5) the integrated manufacture of knit apparel and other finished articles from yarn; and (6) the manufacture of felt goods, lace goods, non-woven fabrics, and miscellaneous textiles.

[...]

TOWER

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

[...]

TOWNHOUSE See “Dwelling, Single-Family Attached.”

~~A multiple-family dwelling containing three or more attached dwelling units, each on its own lot or plot of ground and joined to one (end unit) or two (interior units) dwelling units by fire walls.~~

[...]

TRADE AND CONSTRUCTION SERVICES

Services related to the construction, rehabilitation and maintenance of buildings and building fixtures, typically relating to a building trade or specialty. Trade and construction services include but are not limited to building construction, cabinet making, woodworking, furniture repair and finishing, carpentry, electrical and wiring, equipment rental and leasing, home maintenance, painting and decorating, and plumbing and heating.

[...]

TRANSPARENCY

The ability to see through with clarity; an opening in the building wall allowing light and views between interior and exterior; only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent; glass visible light transmittance (vlt) shall be not less than seventy (70) percent; measured as glass area for buildings and as open area for parking structures.

TREE

A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

- A. **CANOPY** A deciduous tree that has a height of twenty five (25) feet or more, with branch structures that provide foliage primarily on the upper half of the tree and provide shade beneath the tree.
- B. **DECIDUOUS** A tree that sheds its foliage at the end of the growing season.
- C. **EVERGREEN** A tree that has foliage that persists and remains green throughout the year.
- D. **ORNAMENTAL** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty five (25) feet or less; such tree is sometimes known as an understory tree.

TRELLIS

An outdoor garden frame used to partition an area and/or as a support for vines or other climbing plants.

[...]

§ 44-1622 [Ch. 44, 16-22] Definitions "U."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

UTILITY FACILITY, MINOR

A building or structure owned or operated by a public, private or cooperative electric, fuel, communication, sewer or water company for the transmission, distribution or processing of utility services not otherwise defined in this Zoning Ordinance. Minor utility facilities include electricity regulating substations, irrigation channels, sewage lift stations, telephone exchange substations, utility lines, conduits and pipelines, water pressure control stations, and water storage reservoirs.

§ 44-1623 [Ch. 44, 16-23] Definitions "V."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

VEHICLE

Every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

A. FUELING STATION See "automobile service station."

B. RENTAL SERVICE An area dedicated to the rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.

C. REPAIR AND SERVICE A building, accessory building, or an accessory portion of the principal building on the premises which is intended for or being used for repair and servicing of motor vehicles or other motor-driven means of transportation, including general repair, engine rebuilding, reconditioning, and autobody services (e.g., collision service or refinishing).

D. SALES AND SERVICE The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.

E. SALVAGE AND WRECKING OPERATIONS See "junkyard (salvage yard)."

F. STORAGE A structure or part thereof used for the storage, parking, or servicing of motor vehicles but not for the repair thereof.

VEHICLE FUELING STATION

~~See "automobile service station."~~

VEHICLE RENTAL SERVICE

~~An area dedicated to the rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.~~

VEHICLE REPAIR AND SERVICE

~~A building, accessory building, or an accessory portion of the principal building on the premises which is intended for or being used for repair and servicing of motor vehicles or other motor-driven means of transportation, including general repair, engine rebuilding, reconditioning, and autobody services (e.g., collision service or refinishing).~~

VEHICLE SALES AND SERVICE

~~The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.~~

VEHICLE SALVAGE AND WRECKING OPERATIONS

~~See "junkyard (salvage yard)."~~

VEHICLE STORAGE

~~A structure or part thereof used for the storage, parking, or servicing of motor vehicles but not for the repair thereof.~~

[...]

§ 44-1624 [Ch. 44, 16-24] Definitions "W."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

WAREHOUSE

A warehouse is a building, structure, or part thereof, used principally for the ~~storage of goods and merchandise.~~ A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, characterized by frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

[...]

§ 44-1625 [Ch. 44, 16-25] Definitions "X."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

(Reserved)

§ 44-1626 [Ch. 44, 16-26] Definitions "Y."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

YARD

An open space, on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in the Permitted Encroachments section (§ 44-904) of this Code.

- A. FRONT A yard between the front lot line and a principal structure. A front yard shall be established along with frontages of a corner lot as required by the Bulk and Site Standards for each Zoning District in this Code.
- B. REAR A yard across the rear of the lot between the rear lot line and a principal structure and extending from one side lot line to the other.
- C. SIDE A yard extending from the required front yard to the required rear yard or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street.

~~**YARD, FRONT**~~

~~A yard between the front lot line and a principal structure. A front yard shall be established along with frontages of a corner lot as required by § 44-640 of this Code.~~

~~**YARD, REAR**~~

~~A yard across the rear of the lot between the rear lot line and a principal structure and extending from one side lot line to the other.~~

~~**YARD, SIDE**~~

~~A yard extending from the required front yard to the required rear yard or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street.~~

§ 44-1627 [Ch. 44, 16-27] Definitions "Z."

The following words and terms wherever they occur in this Code shall be interpreted as herein defined:

[...]

ZOO

~~Any lot, building, structure, enclosure, or premises whereupon and wherein are kept two or more wild animals.~~ An institution where living wild animals, including mammals, birds, fishes, reptiles, amphibians and invertebrates are kept for study, conservation, and display to the general public.

Also known as a zoological garden or zoological park.

[...]

§ 44-1703 [Ch. 44, 17-3] **General application requirements.**

[...]

D. Filing fees.

- (1) All applications shall be accompanied by the associated filing fee as set forth in Chapter 1, § 1-125, "Schedule of Fees" and shall be filed with the Economic and Community Development Department. [Amended 10-26-2020 by Ord. No. 2020-69]
- (2) Each application shall be accompanied by ~~a check, payable to the City of Bloomington, or a cash payment,~~ to cover the cost of publication, posting, and hearings. Each application shall also be accompanied by a payment to cover the cost of publishing any public notices.

[...]

§ 44-1709 [Ch. 44, 17-9] **Site plan review.**

- A. Purpose. It is the intent of the Site Plan Review procedure to facilitate the creative and coherent development of the community through the review of specific and detailed plans for parcels of land

[...]

- 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 during site plan review and the subject public hearing, the Planning Commission shall consider the standards for granting a special use and make their findings of fact as part of a recommendation to the City Council on the granting of such site plan approval and 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 § 44-505 shall require a legislative public hearing.

- (1) Procedure. Legislative public hearings shall be conducted in accordance with § 44-1705 of this Code.

[...]

(e) Any waivers to the bulk, site, off-street parking and loading, or use provision regulations of this Code that are necessary for the development of the specific proposal or special use.

[...] Removed for 9/7/22 vote. Tabled until October meeting.

§ 44-1711 [Ch. 44, 17-11] **Demolition review.**

[...]

- B. Administrative review of demolition. Upon receipt of an application for a demolition permit, or a building permit involving demolition, the Director of Economic and Community Development shall review the application to determine if the building meets the criteria of Subsection A. If it does, the Director of Economic and Community Development shall:

- (1) Notify the applicant in writing within ~~five~~ ten business days that the application for demolition must be reviewed before proceeding.
- (2) Within ~~five~~ ten business days, forward a copy of the application to the Preservation Commission chairperson and any standing committee of the Preservation Commission that is empowered to review demolition permits.
 - (a) Within five days of a receipt of the copy of the application, the chairperson or duly authorized committee shall issue a preliminary recommendation regarding the granting of the demolition permit. If a favorable recommendation is issued, the demolition permit shall be issued. If the chairperson or committee determines that the building is potentially significant pursuant to the standards of § **44-804B**, a recommendation may be made in opposition to granting the demolition permit.
 - (b) If the chairperson or committee determines that the building is potentially significant, it shall schedule an administrative public hearing before the Preservation Commission to consider the building's historical or architectural significance. Said hearing shall be conducted within ~~35~~ 45 days of initial submittal of the permit application. The City shall give notice in the manner prescribed by § **44-1705**.

For the Bloomington Planning Commission, September 7, 2022

On August 8 the City Council approved a petition to allow a rooming house at 709 East Douglas Street, which is located in an R2 neighborhood. Although the petition was presented to the Zoning Board of Appeals by an individual, it was listed on the Council consent agenda as "requested by the Economic and Community Development Department."

The Special Use Petition provided for eight parking spaces for the rooming house and allowed the petitioner to eliminate the required screening in order to provide the parking. After the ZBA hearing I asked about the parking requirements for a rooming house. I did not receive an answer but I found Table T 108E: Off-Street Parking Requirements for Household Living and Group Living in the Zoning Code. (See below.)

Since a rooming house is not a single family home, a two-unit, a multi family home, mobile home, accessory dwelling unit, or a agency operated family home, it would seem that it should be considered with "All other group living uses," which require one space for two beds. If this is correct, only two spaces would be required for a four bed rooming house. Eight parking spaces would then be four times the required amount.

I do not understand why the staff and Economic and Community Development Department would foster such a dramatic increase the number of parking spaces, then allow a variance to eliminate screening, thus creating a sea of parking on a busy corner in a residential neighborhood. This unnecessarily reduces the possibility of creating green space in our neighborhoods, and it increases amount of hard ground that prevents run-off into our sewer system.

Citizens have a right to know if the Planning Commission considers this plan to use additional parking to eliminate screening to be in accordance with the Zoning Code.

Marty Seigel

Table T 1208E: Off-Street Parking Requirements

Household Living	Dwelling Unit, single-family	1 spaces per dwelling unit
	Dwelling Unit, single-family attached; two-family; multiple-family; live/work	1.5 spaces per efficiency or one-bedroom dwelling unit; 2 spaces per 2 or more-bedroom dwelling units
	Mobile homes	2 spaces per unit
	Dwelling Unit, accessory	1 space per unit
Group Living	Agency-operated family homes	2 spaces per home
	All other group living uses	1 space per 2 beds

INSTITUTIONAL

BLOOMINGTON PLANNING COMMISSION

Speaker Registration for _____, 2022

[illegible]

From: Msartsy <msartsy@rocketmail.com>
Sent: Wednesday, September 7, 2022 8:59 AM
To: Public Comment
Subject: 1305 Bunn St Z-10-22 rezoning

I am writing in response to the proposed zoning change to 1305 Bunn St., Bloomington from R-1C to R-2. My name is Sue Necessary and I reside at 1207 Bunn St. I own my home and I have lived at this residence for 18 years. I am unable to attend the hearing in person. Please accept this as testimony for the hearing.

This is a unique neighborhood as across the street is a mix of single family and commercial. This is a historic neighborhood of homes dating back 100 years. The history of industry is also historical with some of the oldest businesses having roots on Bunn Street. I have worked very hard to maintain my property and preserve the integrity of my home as part of the neighborhood. On my property is also the former neighborhood grocery store from 1928, known as Trautman Groceries. The same footprint of the original store remains, and I have preserved this historical structure as part of this single family neighborhood.

I do not support changing the zoning for 1305 Bunn St. Once the zoning is changed, it opens up the entire neighborhood on the west side of Bunn St and beyond to other such changes to begin. This property, once changed, could become a rooming house, halfway house or other such zoned entity. Increased density does not mean affordability. This is a long-standing single family neighborhood. This is a flawed charade of an attempt to solve an "affordable-housing" problem. We all deserve a quality of life and peace and quiet in our little patch of the American dream we as a neighborhood have invested our livelihood into. I have invested substantial financial resources in my two dwellings to keep the property value and neighborhood integrity at a valued commodity.

I propose 1305 Bunn stay R-1C to keep the home values and integrity of the neighborhood. If anything, build two modest size single family homes. You may want to take note of the beautiful property at the corner of Bissel and Clayton. A single family home was torn down and the family developed a beautiful park with plants, trees, water feature. Look at this space and visualize a halfway house there. If zoning is approved at 1305, our historical neighborhood is at risk to open up this and any other established single family neighborhoods to multi-family duplexes and quadplexes in our long-standing neighborhoods.

Sue Necessary
1207 & 1207 1/2 Bunn St.