



**AGENDA
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
COUNCIL CHAMBERS
109 EAST OLIVE STREET
BLOOMINGTON, IL
WEDNESDAY, AUGUST 12, 2020 4:00 P.M.
THIS MEETING WILL BE HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:
www.cityblm.org/live**

Prior to 15 minutes before the start of the meeting, 1) those persons wishing to provide public comment or testify at the meeting must register at www.cityblm.org/register, and/or 2) those persons wishing to provide written comment must email their comments to publiccomment@cityblm.org.

Members of the public may also attend the meeting at City Hall.

Physical attendance will be limited to the lesser of 50 persons or 50% of room capacity and will require compliance with City Hall COVID-19 protocols and social distancing.

The rules for participation and physical attendance may be subject to change due to changes in law or to executive orders relating to the COVID-19 pandemic occurring after the publication of this agenda.

Changes will be posted at www.cityblm.org/register.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

This meeting is being held virtually via live stream. Public comment will be accepted up until 15 minutes before the start of the meeting. Written public comment must be emailed to publiccomment@cityblm.org and those wishing to speak live must register at <https://www.cityblm.org/register> prior to the meeting.

4. MINUTES Review the minutes of the July 22, 2020 regular Bloomington Planning Commission meeting.

5. REGULAR AGENDA

Note, due to COVID-19 social distancing considerations, this meeting is held virtually. Those wishing to testify or comment remotely regarding a public hearing listed below must register at <https://www.cityblm.org/register> at least 15 minutes prior to the start of the meeting.

- A. Z-12-20 Public Hearing, review and action on minor text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2020-12)

6. OLD BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT



DRAFT
MINUTES

**PUBLISHED BY THE AUTHORITY OF
THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 22, 2020, 4:00 P.M.
WWW.CITYBLM.ORG/LIVE**

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The Planning Commission convened in Regular Session virtually via zoom conferencing at 4:00 p.m., Wednesday, July 22, 2020. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Megan Headean.

Roll Call

Attendee Name	Title	Status
Ms. Megan Headean	Chair	Present
Mr. Tyson Mohr	Vice Chair	Present
Mr. Justin Boyd	Commissioner	Present
Mr. Thomas Krieger	Commissioner	Present
Ms. Megan McCann	Commissioner	Present
Mr. Mark Muehleck	Commissioner	Absent
Mr. David Stanczak	Commissioner	Absent
Mr. John Danenberger	Commissioner	Present
Mr. George Boyle	Assistant Corporate Council	Present
Mr. Craig McBeath	Interim Information Systems Director	Present
Ms. Katie Simpson	City Planner	Present
Mr. Bob Mahrt	Community Development Director	Present

COVID-19

Chairperson Headean explained that this meeting was being held virtually via live stream pursuant to the gubernatorial executive order 2020-07, Section 6. Public comment was accepted until 15 minutes before the start of the meeting. Written public comment must have been emailed to publiccomment@cityblm.org and those wishing to speak live must have registered at <https://www.cityblm.org/register> at least 15 minutes prior to the meeting. Chairperson Headean and City Planner Katie Simpson were at City Hall, 109 E. Olive Street, Bloomington IL 61701. City Hall was open to the public with limited occupancy. No one from the public attended the meeting in person.

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MEETING MINUTES

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Public Comment

Chairperson Headean opened the floor for public comment. None.

Minutes

The Commission reviewed the minutes from the May 27, 2020 regular meeting of the Bloomington Planning Commission.

Mr. Boyle requested the meeting date to be corrected to reflect May 27, 2020.

Commissioner Boyd made a motion, seconded by Commissioner Krieger, that the amended Minutes from the May 27, 2020, meeting be approved:

AYES: Boyd; Krieger; Mohr; McCann; Daneberger; Chairperson Headean

NAYES: None.

Motion carried.

Regular Agenda

PS-02-20 Public Hearing, review and action on a petition submitted by Tentac Enterprises for the reinstatement of an approved Preliminary Planned Unit Development Plan at Fox Creek Subdivision (approximately 26.25 acres) (Ward 2).

Chairperson Headean opened the public hearing and introduced the case. Ms. Simpson provided staff report and staff's positive recommendation. She described the history of the Fox Creek area and details of surrounding development. She provided pictures, aerial and zoning maps, and explained the proposed layout for the remaining undeveloped land of the subdivision. The development is called Fox Creek Village Planned Unit Development and was approved first by the City Council in 2003. Approximately 18 acres are improved, and roughly 8 acres remain undeveloped. The 2013 Amended Preliminary Planned Unit Development (PUD) was discussed. Preliminary development plans are valid for three years. Once expired, a reinstatement must be requested of the Planning Commission. As there has been no development since 2013 a reinstatement request of this PUD is being considered.

Per staff, some benefits of this PUD are housing design, cost and size. Also the builder proposes building 5.5 units per acre which is far below the zone standard of 13 units per acre. These factors combine to provide quality alternative housing choices for the community. Ms. Simpson provided the staff analysis of the standards for a planned unit development. Per staff, all 5 standards are met. The proposed plan shows no changes from the original analysis and previously approved preliminary development plan for the subject property.

Ms. Simpson informed Commission of an email received from Mary Haskell, Fox Creek Village HOA. The email was read into record. The HOA's concerns are with the construction entrance into the existing neighborhood. The email expressed concerns for safety, noise & wear and tear on the road. The Association inquired whether there would there be any consideration for an alternate access entrance.

Chairperson Headean opened meeting to address staff with any questions.

Commissioner Mohr asked if the city had a metrix used to determined Tier 3 growth standards. Ms. Simpson referred to Comprehensive Plan and the Regional Housing Study completed in 2017. She pointed out that the property had already been annexed by the city under an agreement that runs through 2024.

Commissioner Mohr asked if the city had other housing available at this design and price point. Ms. Simpson replied that there are limited new construction options at this price point, size and design.

Commissioner Mohr asked how these homes would improve accessibility for aging and disabled owners. Ms. Simpson explained that improved accessibility was inherent to the ranch style (single story) of the housing not proximity to public transportation or other retail uses.

Commissioner Mohr asked the consequences of non-approval of the PUD. Mr. Boyle suggested that a non-approval could impact the developer but reminded the Commission of the order of process in place and that this discussion was preliminary and an amended version could also be an option.

Commissioner Boyd raised a question of sidewalks in the plans. Ms. Simpson confirmed that the current plan included sidewalks on one side of the street. Commissioner Mohr inquired about existing homes in the neighborhood without sidewalks. Ms. Simpson stated that existing homes in the development were not required to have sidewalks by the city when built. Commissioner Boyd asked if the Commission can recommend for sidewalks on both sides of the street? Ms. Simpson stated that the Planning Commission can recommend an amendment be added.

Commissioner Boyd inquired as to the closest Connect Transit stop in relation to the development. Ms. Simpson was not sure if a stop was close by but would check with the developer.

Chairperson Headean asked for Testimony on behalf of the petitioner. The following were sworn in for testimony:

Craig Earl, Engineer, stated that he had nothing to add. He felt Ms. Simpson did an excellent job with her presentation.

Jeff Gastel, Engineer, stated that he would be available to answer questions on behalf of the petitioner.

Dave Fedor, Petitioner, Tentac Enterprises added he is excited to restore growth to a once popular area who's growth had stalled in 2008 and to have the opportunity to provide more product at this price point as current stock is low.

Commissioner Mohr asked the petitioner a series of questions pertaining to the infrastructure of the development and whose responsibility it will be to maintain it this included: streets, water & sewer. Mr. Fedor stated that the developer incurs the expenses to build the required infrastructure but the Homeowner's Association (HOA) is responsible for maintenance of private infrastructure. Further, Mr. Fedor indicated they contribute by paying the individual fees on units not sold and lots not developed. In regards to water, the developer incurs all costs associated with connecting to existing water supply owned by the city and designing and building the necessary infrastructure. Once installed and inspected

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the city will maintain this public infrastructure.

Commissioner Mohr referred to Standard #5 - how the units would be built in a way to qualify and innovation and creative given the stated plan to build them consistent with existing properties in the neighborhood. Mr. Fedor stated that while it was a challenge to build housing at this price point; improvements in building materials would be utilized wherever financially feasible to enable the unit to be affordable.

Chairperson Headean asked if there was a demand for housing of this style and price point and will the lots be sold on demand or pre-built? Mr. Fedor responded, yes there is a demand for homes at this price point. He added that, the development plan includes building Spec homes and lots which allows for immediate access or making slight custom changes to certain items.

Chairperson Headean reviewed the previously HOA questions that was read into record concerning the construction entrance into the subdivision and the proximity of a Connect Transit stop. Mr. Fedor indicated that there is a dedicated construction entrance which utilizes a vacant lot to reduce impacting current residents. UCM construction will oversee care of the site and roads to and from construction areas. Mr. Fedor stated the closest Connect Transit stop is located at Fox Creek Rd. and Danbury Ct.

Commissioner Mohr had a question for the Engineer: Are there calculations used by Engineers that determine present value of future liabilities for the purpose of determining proper taxes? Mr. Gastel stated that this is not a calculation that Engineers provide and future costs and or projections are not a requirement by the City for submittal.

No one spoke in opposition of the Petition at the hearing.

Chairperson Headean closed the public hearing at 4:50 p.m.

Commissioner Mohr expressed a concern that the proposed addition would fall outside of the fire response goals set forth in the Comprehensive Plan, and this should be considered under Standard #3. Ms. Simpson expressed there is an existing unused fire station designed to serve this area and would defer to Fire Department leadership as to activation decisions.

Commissioner Mohr made a motion, seconded by Commissioner Boyd that the Commission adopt the finding of fact as presented by staff for facts 2,4 & 5. There was no discussion by the Board.

AYES: Boyd, Krieger, Mohr, McCann, Danenberger, Chairperson Headean

NAYES: None.

Motion carried

Commissioner Mohr made a motion that the Commission do not adopt the finding of facts of 1 & 3 presented by staff. No other Commissioner seconded the motion. There was discussion by the Board.

Commissioner Mohr suggested the standards failed to meet the Tier 3 requirement for accelerated growth, was designed prior to the Comprehensive Plan, and did not meet accessibility requirements for the handicapped and aging population.

Motion failed

Commissioner Boyd made a motion, seconded by Commissioner Krieger that the Commission adopt the finding of facts of 1 & 3 presented by staff. There was a discussion by the Board.

Commissioner Boyd reminded the Commission that this addition is 11% of an existing and previously approved subdivision. Commissioner Mohr stated that the location would put a strain on City resources as it is on the edge of town. Chairperson Headean pointed out that the location is already included in the Comprehensive Plan.

AYES: Boyd, Krieger, McCann, Danenberger, Chairperson Headean

NAYES: Mohr

MOTION carried.

Commissioner Boyd made a motion, seconded by Commissioner McCann, to recommend that the Council approve case PS-02-20 petition submitted by Tentac Enterprises for the reinstatement of an approved Preliminary Planned Unit Development Plan at Fox Creek Subdivision with a supplemental recommendation to the plan- adding sidewalks on both sides of the street, which resulted in the following: There was a discussion by the Board.

Commissioner Boyd provided that these sidewalks would more closely align with the Comprehensive Plan and give residents walkability and the project with offer affordability and more inventory. Commissioner Mohr questioned the party responsible for maintenance of the sidewalks. Ms. Simpson informed the Commission that the sidewalks are part of the streets and the HOA would be responsible for their maintenance.

AYES: Boyd, McCann, Chairperson Headean

NAYS: Daneberger, Krieger, Mohr

Motion denied due to a tie vote.

Commissioner Boyd made a motion, seconded by Commissioner McCann, to recommend that the Council approve case PS-02-20 petition submitted by Tentac Enterprises for the reinstatement of an approved Preliminary Planned Unit Development Plan at Fox Creek Subdivision with an supplemental recommendation to the plan- adding sidewalks on both sides of the street, which resulted in the following: There was a discussion by the Board.

There was continued sidewalk discussion as it pertains to future development. Chairperson Headean indicated the Commission has been consistent when requesting sidewalk with new development and this request aligns with the goals of the Comprehensive Plan.

AYES: Boyd, McCann, Danenberger, Chariperson Headean

NAYS: Mohr, Krieger

Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Commissioner Boyd made a motion, seconded by Commissioner Krieger, that the meeting be adjourned.

Motion carried (viva voce)

The meeting adjourned at 5:28 p.m.

CITY OF BLOOMINGTON

ATTEST

Chairperson Megan
Headean

Katie Simpson, City Planner

**CITY OF BLOOMINGTON
STAFF REPORT FOR THE
PLANNING COMMISSION
AUGUST 12, 2020**

CASE NUMBER:	SUBJECT PROPERTY:	TYPE:	SUBMITTED BY:
Z-12-20	Minor amendments to Chapter 44	Text Amendment	Katie Simpson, City Planner
PETITIONER’S REQUEST:	City Council directed the Planning Commission to review minor text amendments to Chapter 44.		
Staff finds that the petition meet the Zoning Ordinance guidelines for a text amendment and the proposed amendments provide clarity and are in the best interest of the community.			

STAFF RECOMMENDATION: Approval

Staff recommends the Planning Commission pass the following motions:

1. Motion to establish a finding of fact that the petition meets the standards for text amendment.
2. Motion to pass recommendation that City Council approve the text amendments provided in the draft ordinance.

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on July 29, 2020.

GENERAL INFORMATION

Applicant: The City of Bloomington City Council

PROPERTY INFORMATION

NA, applicable to the entire City of Bloomington.

ANALYSIS

This report is based on the following documents, which are on file with the Community Development Department and online at www.cityblm.org/planning :

- Resolution 2020-12
- Chapter 44 of the Bloomington City Code, available online at <https://ecode360.com/34414578>

Background: The City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs. Pursuant to the Illinois Municipal Code, the City of Bloomington has authority to create and to establish, by ordinance, zoning regulations and districts, and to amend

said regulations and districts from time to time. On March 11, 2019 the Bloomington City Council adopted a comprehensive text amendment to Chapter 44 of the Bloomington City Code. At that time, staff affirmed that the city would revisit the adopted ordinance in one year to make minor changes, modifications, and clarifications, as needed. As a best practice, the city should evaluate its ordinances every couple of years.

On April 13, 2020 City Council adopted Resolution 2020-12 which directed the Planning Commission to review minor amendments to Chapter 44. The materials from the April 13 Council meeting are online at <http://bloomingtonil.ig2.com/Citizens/Calendar.aspx>. Staff completed a cursory review of the ordinance and compiled proposed minor amendments, clarifications, modifications, and deletions to Divisions 2,5,6,7,10,12,13,16 and 17 of Chapter 44. Most of the modifications address incorrect references, grammatical errors, and incorrect footnotes.

Staff had hoped to bring these items to the Commission sooner, however, due to COVID-19 staff delayed action until residents were able to attend meetings in person at City Hall.

Project Description: The most significant amendments proposed are to the Permitted Use Table in Division 5. Business District Regulations. Staff discovered errors in the footnotes associated with the Table. Note “4” is redundant and matches the language in Note “1”. Staff is proposing the deletion of Note 4. Additionally, as a result of the duplication, the number of the remaining footnotes is incorrect. The footnotes do not align with their intended annotation. For example, the existing ordinance reads that “Car Washes, Bars, Taverns, and Gun Shops” should be “limited to 45 feet in height” instead of “requiring a special use permit when adjacent to residential districts.” Car Washes have a more restrictive height limitation established in Division 10, and the uses may not be appropriate next to residential districts depending on their nature. The footnote was established in error.

Additionally, following feedback presented during a public hearing in March, staff is proposing the addition of certain uses, like a “theater” and “sports and fitness establishments” and “Commercial Recreation facilities with a special use” in the D-2 Downtown Transitional District and in the D-3, Downtown Warehouse and Entertainment District. These uses can facilitate the adaptive reuse of many larger, older buildings on the periphery of the D-1 Central Business District and offer amenities to nearby residents. Moreover, some theaters already exist in the D-2 District and the proposed amendment would eliminate any lawful special use or nonconforming status of these uses.

The modifications included in Resolution 2020-12 are listed below:

Code Reference	Proposed Amendments	Justification
Chapter 2-Title	BLOOMINGTON ZONING ORDINANCE – SECTION DIVISION 2	Modification— consistency
Table 5(2)A: Business Districts-Permitted and Special Uses	Delete footnote “4” text and leave blank for future reference.	Deletion—redundant, footnote 4 was the same as footnote 1
Table 5(2)A: Business Districts-Permitted and Special Uses	Change the footnote reference from “3 maximum height of 45’” to “1 special use	Clarification—footnotes incorrect

	required when use adjoins a residential district boundary line” for the following uses: “Car Wash” in B-1; “Farm Machinery Sales and Service” in B-1; “Vehicle Rental Service” in B-1; “Entertainment and Exhibition Venues” in B-1; “Kennels, with no outdoor exercise area” in B-1, B-2, C-1 and D-3; “Bars, Taverns and Nightclubs” in B-1; “Drive-Through, attached to retail or service use” in B-1 and B-2; “Gun Shops” in B-1 and B-2;	
Table 5(2)A: Business Districts-Permitted and Special Uses	Delete the footnote “2-use is permitted only when located above the first story above grade” for “Place of Worship” in the B-1 district.	Clarification—footnotes incorrect
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Place of Worship” with a “special use” in the B-2 district	Addition—to address existing nonconformities
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Commercial Recreation Facilities” as a “special use” in the D-2 and D-3 districts	Addition
Table 5(2)A: Business Districts-Permitted and Special Uses	Modify “Sports and Fitness Establishments” in the D-2 district from “special use” to “permitted use”	Modification—consistency with adjacent districts and uses
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Theaters and Auditoriums” as a permitted use in the D-2 district	Addition—to address existing nonconformities
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Bus and Taxi Passenger Terminals” as a “special use” in the D-2 and D-3 districts	Addition—consistency with adjacent districts and uses
Table 6(2)A: Manufacturing Districts-Permitted and Special Uses	Add “Place of Worship” with a “special use” in the M-1 district	Addition—to allow consistency with other assembly uses in district
9-4A Permitted Encroachments in Required Yards.	“Table 9-4 5 ”	Modification—incorrect reference

9-4B Permitted Encroachments in Public Rights-of-Way.	“provided a minimum 5’4” wide clear path be maintained”	Clarification—to ensure compliance with ADA
9-5B Principal Building on a Lot (nonresidential districts)	“In all other districts, and subject to the site plan review requirements in 5 of this Code , more”	Deletion—simplify
9-7A5(B)—Temporary Uses	“items described in Section 9-7 8 A.34 (a), (b), (c), and (l).	Modification—incorrect reference
9-10 B. Fence Materials	Fence Materials. “1. Residential fences shall not be constructed of chain link , wire mesh, barbed wire, electrically charged fence, or topped with sharp edged materials. In residential districts, chain link fence may be allowed in the rear yard when not visible from the street. 2. In all other districts, except in the agricultural, manufacturing and P-3 Airport District, fences shall not be constructed of chain link, wire mesh, barbed wire, electrically charged fence, or topped with sharp edged materials.”	Addition and Clarification—to allow residential uses to have chain link fences in rear yards not visible from street (addressing economic hardship) and clarify regulations between residential and other nonresidential districts
9-11D1. Outdoor Lighting.	“General. All outdoor lights used to illuminate any lot in any district business, manufacturing or public interest district that is adjacent to or across a street from any lot in a residential district shall be so shielded and directed as to protect such residentially zoned adjacent lots or lots across the street from direct or reflected glare.”	Clarification--simplify
10-15A2(a) Operational Standards for Commercial Recreation Facilities	“It shall be unlawful for any person to set up for operation or allow operation of more than sixty (60) such mechanical, electronic and/or video type game machines in any one location or establishment in the B-1 , B-2, and B-3 D-1, D-2, and D-3 Districts and more than one hundred forty (140) such machines in any one location or establishment in the C-3-B-1 District.”	Modification—incorrect references
10-20A. Home Occupations	“A home occupation or profession shall be permitted as an accessory use in the A and R districts subject to the following restrictions”	Addition—incorrect reference
Division 12. Off-Street Parking and Loading Table of Contents	Add “12-9 Adjustments to Required Parking.” Renumber: 12- 9 10 Other Parking Uses 12- 10 11 Loading Design Standards	Modification—missing reference

	12- 11 12 Off-Street Loading Requirements 12- 12 13 Bicycle parking requirements 12- 13 14 Mobility and circulation	
12-3E5	“recreational equipment must be on a hard surface as defined in Section 3-2 Division 16 of this Code”	Modification—incorrect reference
12-3E6	“Camping trailers, domestic utility trailers, boats on trailers, and other items of recreational equipment stored on trailers need to be a compacted surface, as defined by Section 10 Division 16 of this Code”	Modification—incorrect reference
12-4	Re-number Subsection “G” to “B”	Modification—incorrect reference, consistency
12-5B3	“Where ten (10) or more parking spaces are required, off-street parking areas shall be located a minimum distance of twelve (12) six (6) feet from the property line, in front yards, and six (6) feet from the side and rear property lines to accommodate a landscaped perimeter as provided in Division 13.”	Modification—consistency with Division 13
Graphic 12-5B	Amend graphic to reflect twelve (12) foot setback in front yards.	Modification—consistency with Division 13
12-6F2(a)	“Driveways leading to parking lots of ten (10) parking spaces or more shall conform to the requirements of Section 12-6 FD .1. of this Code.”	Modification—incorrect reference
12-6H3	Dimensions for compact spaces are shown in Table 12-6 I. X.	Modification—incorrect reference
13-4E2 Sight Distance Requirements	“shall be in compliance with Section 9-9 4-5-E of this Code and the following visibility triangle standard:”	Modification—incorrect reference
Graphic 13-7(B)	Amend graphic to reflect twelve (12) foot setback in front yards.	Modification—for consistency
Graphic 13-7(C)	Amend graphic to reflect twelve (12) foot setback in front yards.	Modification—for consistency

16-2-Definitions “A”	ARTISANAL/CRAFT PRODUCTION AND RETAIL: An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items of artisanal quality. This category also includes small scale alcohol production* outlined and defined in (235 ILCS 5/5-1) (from Ch. 43, par. 115). *production amounts and distribution requirements regulated by the Illinois Municipal Code and Chapters 6 and 26 of the City of Bloomington City Code	Modification—to match ordinance adopted in 2016
16-9-Defintions “H”	HARD SURFACE: Means any asphalt or concrete surface of an approved thickness as required by Division 712 of this Code, but excluding rock, gravel, grass, or dirt.	Modification—incorrect reference
16-9-Defintions “H”	HOME OCCUPATION: An occupation or business conducted within any dwelling unit which meets the standards of Section-Division 4-4-D 10-20 of this Code.	Modification—incorrect reference
Division 17 Table of Contents	Delete 17-14 Zoning Compliance Certificate ; Renumber 17- 15 14 Zoning Verification Letters, 17- 16 15 Complaints and Penalties	Deletion—obsolete Modification—incorrect reference
17-5 Notice and Public Hearings	“Notices shall also be sent by first-class-mail ”	Deletion—consistency with actual practice
17-7D4(l)	“Landscaping plan indicating the size, location and general characteristic of plant materials as specified in Division 13 of this Zoning Ordinance.”	Addition—clarification
17-7J Expiration and Revocation of special use permits and existing special use.	The revocation or expiration of a special use permit issued pursuant to Section 10-3 of this Code or the expiration or revocation of an existing special use shall cause the use to become an illegal use for the property in question and shall be subject to the enforcement procedures under Section 13-1 of this Code.	Deletion—simplify

17-7L Change of Use.	“In any case where a special use permit has been granted or where existing special use status has been granted, and the special use has been established, a change in use, from the approved or authorized special use to another use, shall cause the special use permit or existing special use status authorized by Section 10-3 of this Code to expire.”	Deletion—simplify
17-9E3(b) Minor Changes to an approved site plan.	“Minor changes to an approved site plan are those that do not change the intent or character of development or modify the conditions of approval. Examples of minor changes are such as slight adjustments to the in the location, siting, and height of structures, the location of parking stalls and loading areas, and the location and species of landscaping. Minor changes may be authorized by the Director of Community Development pursuant to the administrative procedures in Section 17-9 F.,”	Clarification
17-12D1 Administrative Appeals	“In appeals to the Board from decisions of the administrator denying a sign permit or declaring a sign structure to be illegal, the Board’s scope of review shall be limited to determining whether or not the Administrator’s decision is in accordance with the requirements of the Sign this Code and applicable law and accordingly affirm or reverse the appealed decision. The Board may direct the Administrator to issue the permit or statement permitting the sign structure in accordance with its decision or may remand the matter for further consideration and investigation consistent with the Board’s ruling”	Clarification

Additional Amendment: Lastly, staff is looking for feedback and direction from the Planning Commission on improvements to Division 17-5A and 17-5B. Upon implementation of the Ordinance, staff has realized the need to clarify the notification process. Staff has created two proposed revisions and is looking for direction from the Commission.

Current Language:

*17-5A. Required legal notice. After an application has been certified complete as required by § **44-1704**, the applicable review or decision-making body shall fix a reasonable time for the required hearing of the application or appeal. Notice of the time and place of a legislative or administrative hearing shall be given in accordance with the laws of the State of Illinois.*

***(1)** The Zoning Administrator or designee shall publish notice of the hearing in a newspaper of general circulation in the City of Bloomington.*

***(2)** Notice shall also be sent by first class mail or personal delivery to the property owner as shown on the records of the Local Tax Assessor's Office of record of all parcels, lying in whole or in part within 500 feet, inclusive of public right-of-way, of the property lines of the property for which the action is requested.*

***(3)** The notice shall be given at least 15 days, but not more than 30 days before the date the application will be considered for approval.*

***(4)** If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall include all of the following:*

***(a)** The name and address of the applicant and property owner;*

***(b)** The common address or location of the subject property;*

***(c)** A description of the nature and purpose of the requested action;*

***(d)** The location, date and time of the public hearing or meeting; and*

***(e)** The office address and telephone number of the City office where information concerning the application may be obtained.*

***B.** Courtesy notice. In addition to any required legal notice as provided herein, courtesy notice may be given at the direction of the Director of Community Development by posting the property affected with a sign indicating that zoning action affecting the property is pending and that additional information may be obtained from the Director of Community Development. Distribution of courtesy notice shall not constitute a precedent for future notice on the subject application or on any future application.*

The two revisions are presented side by side on the next page. Changes are highlighted in red.

Revision 1: Mailed notices are courtesy	Revision 2: Mailed notices are required and sent 15 days before the meeting
(1) The Zoning Administrator or designee shall publish notice of the hearing in a newspaper of general circulation in the City of Bloomington at least 15 days, but no more than 30 days before the date of the public hearing. (2) Notice shall also be sent by first class mail or personal delivery to the property owner as shown on the records of the Local Tax Assessor's Office of record of all parcels, lying in whole or in part within 500 feet, inclusive of public right-of-way, of the property lines of the property for which the action is requested. (3) The notice shall be given at least 15 days, but not more than 30 days before the date the application will be considered for approval. (2) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. (3) The notice shall include all of the following: (a) The name and address of the applicant and property owner; (b) The common address or location of the subject property; (c) A description of the nature and purpose of the requested action; (d) The location, date and time of the public hearing or meeting; and (e) The office address and telephone number of the City office where information concerning the application may be obtained. B. Courtesy notice. In addition to any required legal notice as provided herein, courtesy notice may be given at the direction of the Director of Community Development by the following methods: (a) Notice shall also be sent by mail or personal delivery to the property owner as shown on the records of the Local Tax Assessor's Office of record of all parcels, lying in whole or in part within 500 feet, inclusive of public right-of-way, of the property lines of the property for which the action is requested (b) posting the property affected with a sign indicating that zoning action affecting the property is pending and that additional information may be obtained from the Director of Community Development. Distribution of courtesy notice shall not constitute a precedent for future notice on the subject application or on any future application.	(1) The Zoning Administrator or designee shall publish notice of the hearing in a newspaper of general circulation in the City of Bloomington at least 15 days, but no more than 30 days before the date of the public hearing. (2) Notice shall also be sent by first-class mail or personal delivery to the property owner as shown on the records of the Local Tax Assessor's Office of record of all parcels, lying in whole or in part within 500 feet, inclusive of public right-of-way, of the property lines of the property for which the action is requested at least 15 days, but no more than 30 days before the date of the public hearing. (3) The notice shall be given at least 15 days, but not more than 30 days before the date the application will be considered for approval. (3) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. (4) The notice shall include all of the following: (a) The name and address of the applicant and property owner; (b) The common address or location of the subject property; (c) A description of the nature and purpose of the requested action; (d) The location, date and time of the public hearing or meeting; and (e) The office address and telephone number of the City office where information concerning the application may be obtained. B. Courtesy notice. In addition to any required legal notice as provided herein, courtesy notice may be given at the direction of the Director of Community Development by posting the property affected with a sign indicating that zoning action affecting the property is pending and that additional information may be obtained from the Director of Community Development. Distribution of courtesy notice shall not constitute a precedent for future notice on the subject application or on any future application.

Link to Comprehensive Plan:

Objective N-1.1 Enhance the livability of all Bloomington neighborhoods, Action N-1.1a Update the ordinances and regulations as needed to accomplish the goals of the comprehensive plan; Objective N-1.3 develop the neighborhoods in the Preservation area while carefully protecting their historic nature and character, Action N-1.3c Foster preservation and adaptive reuse of significant historic buildings and structures. While residents can file variances, the sections of the zoning code that address setbacks should be revisited and amended to reflect the “non-conforming” condition. Such revision adds predictability and make this area more appealing for private investment; and Objective D-2.5 Consolidate retail uses within in the Downtown core, Action D-2.5a Ensure codes and regulations facilitate use of the area for retail locations.

FINDINGS OF FACT

As stated in Division 17-6A of Chapter 44, “for this purpose and for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the value of property throughout the City and lessening and avoiding congestion of the public streets and highways, City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in this Code and the districts provided hereby, provided that in all amendments adopted under the authority of this section, due allowance shall be given for the existing condition, the conservation of property values, the direction of building development to the best advantages of the entire City and the use to which the property is devoted at the time of adoption of such amendment.”

In making its legislative determination on a text amendment, the Planning Commission and City Council may apply the following guidelines:

1. *The suitability of the subject property for uses authorized by the existing zoning;* The proposed amendments are intended to clarify the existing regulations. No changes to the map are proposed, however the existing D2 district fails to accommodate certain existing uses like theaters. **The standard is met.**
2. *The length of time the property has remained vacant as zoned considered in the context of land development in the area;* **NA**
3. *The suitability of the subject property for uses authorized by the proposed zoning;* The proposed amendments will eliminate nonconforming uses in the D2 District. The amendments to the permitted use table clarify the original intention of the regulations. **The standard is met.**
4. *The existing land uses and zoning of nearby property;* Within the D2 district, certain uses like theaters exist and are legal nonconforming. The comprehensive plan encourages offering a variety of entertainment and arts and culture in and around downtown. The proposed amendment furthers this goal. **The standard is met.**
5. *Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;* **NA**
6. *The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;* **NA**

7. *The extent to which the proposed amendment is consistent with the need to minimize flood damage and the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area; NA*
8. *The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification; NA*
9. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in 17-1 herein; The proposed amendments provide clarification, reduce inconsistencies and improve usability and understanding for the community. The standard is met.*
10. *The extent to which property values are diminished by the particular zoning restriction; the proposed amendments will reduce nonconforming uses in the D2 district. The standard is met.*
11. *The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public; the proposed revisions help safeguard property values by reducing nonconformities, clarifying regulations, particularly related to sensitive uses like bars and gun shops near residential districts.*
12. *Whether a comprehensive plan for land use and development exists, and whether the ordinance is in harmony with it; The ordinance was revised to align with the goals of the Comprehensive Plan and to assist with implementation. The proposed revisions further clarify the intention of the regulations. The standard is met.*
13. *And whether the City needs the proposed use; NA*

STAFF RECOMMENDATION:

Staff recommends the following motions:

1. Motion to establish a finding of fact that the petition meets the standards for text amendment.
2. Motion to pass recommendation that City Council approve the text amendments provided in the draft ordinance and incorporating a recommendation for Division 17-5

Respectfully submitted,
Katie Simpson,
City Planner

Attachments:

• Draft Ordinance	
• Resolution 2020-12	
• Legal Notice	

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Ordinance 2020- ____

**AN ORDINANCE APPROVING MINOR TEXT AMENDMENTS, MODIFICATIONS, AND DELETIONS TO THE
BLOOMINGTON ZONING ORDINANCE, CHAPTER 44 OF THE BLOOMINGTON CITY CODE**

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, pursuant to the Illinois Municipal Code, the City of Bloomington has authority to create and to establish, by ordinance, zoning regulations and districts, and to amend said regulations and districts from time to time; and,

WHEREAS, the Bloomington City Council adopted a comprehensive text amendment to Chapter 44 of the City Code on March 11, 2019; and,

WHEREAS, the city desired to evaluate said text amendment after one year and make minor amendments, clarifications, modifications, and deletions as necessary; and,

WHEREAS, on April 13, 2020 City Council passed Resolution 2020-12 initiating multiple minor text amendments to Chapter 44 and,

WHEREAS, on August 12, 2020, after proper notice was given, the Bloomington Planning Commission held a public hearing on the minor text amendments and determined the adoption of the amendments presented in Exhibit A, attached to and hereby incorporated in this Ordinance, are in the interest of the public's health safety and welfare; and,

WHEREAS, pursuant to Chapter 44.17-6 of the Bloomington City Code, the City Council has the power to pass this ordinance to initiate minor amendments, clarifications, modifications and deletions to its zoning regulations, Chapter 44 of the Bloomington City Code, and to direct the Bloomington Planning Commission to hold a public hearing on said amendments.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the minor text amendments to the Bloomington Zoning Ordinance, Chapter 44 of the Bloomington City Code as set forth in Exhibit A, are hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage.

PASSED this ____ day of ____ 2020

APPROVED this ____ day of ____ 2020.

CITY OF BLOOMINGTON

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

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Exhibit A Minor Text Amendments to Chapter 44 of the City Code

Code Reference	Proposed Amendments	Justification
Chapter 2-Title	BLOOMINGTON ZONING ORDINANCE – SECTION DIVISION 2	Modification—consistency
Table 5(2)A: Business Districts-Permitted and Special Uses	Delete footnote “4” text and leave blank for future reference.	Deletion—redundant, footnote 4 was the same as footnote 1
Table 5(2)A: Business Districts-Permitted and Special Uses	Change the footnote reference from “3 maximum height of 45’” to “1 special use required when use adjoins a residential district boundary line” for the following uses: “Car Wash” in B-1; “Farm Machinery Sales and Service” in B-1; “Vehicle Rental Service” in B-1; “Entertainment and Exhibition Venues” in B-1; “Kennels, with no outdoor exercise area” in B-1, B-2, C-1 and D-3; “Bars, Taverns and Nightclubs” in B-1; “Drive-Through, attached to retail or service use” in B-1 and B-2; “Gun Shops” in B-1 and B-2;	Clarification—footnotes incorrect
Table 5(2)A: Business Districts-Permitted and Special Uses	Delete the footnote “2-use is permitted only when located above the first story above grade” for “Place of Worship” in the B-1 district.	Clarification—footnotes incorrect
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Place of Worship” with a “special use” in the B-2 district	Addition—to address existing nonconformities
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Commercial Recreation Facilities” as a “special use” in the D-2 and D-3 districts	Addition
Table 5(2)A: Business Districts-Permitted and Special Uses	Modify “Sports and Fitness Establishments” in the D-2 district from “special use” to “permitted use”	Modification—consistency with adjacent districts and uses
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Theaters and Auditoriums” as a permitted use in the D-2 district	Addition—to address existing nonconformities
Table 5(2)A: Business Districts-Permitted and	Add “Bus and Taxi Passenger Terminals” as a	Addition—consistency with adjacent districts

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Special Uses	“special use” in the D-2 and D-3 districts	and uses
Table 6(2)A: Manufacturing Districts-Permitted and Special Uses	Add “Place of Worship” with a “special use” in the M-1 district	Addition—to allow consistency with other assembly uses in district
9-4A Permitted Encroachments in Required Yards.	“Table 9-4 5 ”	Modification—incorrect reference
9-4B Permitted Encroachments in Public Rights-of-Way.	“provided a minimum 5’4 ’ wide clear path be maintained”	Clarification—to ensure compliance with ADA
9-5B Principal Building on a Lot (nonresidential districts)	“In all other districts, and subject to the site plan review requirements in 5 of this Code , more”	Deletion—simplify
9-7A5(B)—Temporary Uses	“items described in Section 9-7 8 A. 34 (a), (b), (c), and (l).”	Modification—incorrect reference
9-10 B. Fence Materials	Fence Materials. “1. Residential fences shall not be constructed of chain link , wire mesh, barbed wire, electrically charged fence, or topped with sharp edged materials. In residential districts, chain link fence may be allowed in the rear yard when not visible from the street. 2. In all other districts , except in the agricultural, manufacturing and P-3 Airport District, fences shall not be constructed of chain link, wire mesh, barbed wire, electrically charged fence, or topped with sharp edged materials.”	Addition and Clarification—to allow residential uses to have chain link fences in rear yards not visible from street (addressing economic hardship) and clarify regulations between residential and other nonresidential districts
9-11D1. Outdoor Lighting.	“General. All outdoor lights used to illuminate any lot in any district business, manufacturing or public interest district that is adjacent to or across a street from any lot in a residential district shall be so shielded and directed as to protect such residentially zoned adjacent lots or lots across the street from direct or reflected glare.”	Clarification--simplify
10-15A2(a) Operational Standards for Commercial Recreation Facilities	“It shall be unlawful for any person to set up for operation or allow operation of more than sixty (60) such mechanical, electronic and/or video type game machines in any one location or establishment in the B-1 , B-2, and B-3 D-1, D-2, and D-3 Districts and more than one hundred forty (140) such machines in any one location or	Modification—incorrect references

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	establishment in the C-3-B-1 District.”	
10-20A. Home Occupations	“A home occupation or profession shall be permitted as an accessory use in the A and R districts subject to the following restrictions”	Addition—incorrect reference
Division 12. Off-Street Parking and Loading Table of Contents	Add “12-9 Adjustments to Required Parking.” Renumber: 12- 9 10 Other Parking Uses 12- 10 11 Loading Design Standards 12- 11 12 Off-Street Loading Requirements 12- 12 13 Bicycle parking requirements 12- 13 14 Mobility and circulation	Modification—missing reference
12-3E5	“recreational equipment must be on a hard surface as defined in Section 3-2 Division 16 of this Code”	Modification—incorrect reference
12-3E6	“Camping trailers, domestic utility trailers, boats on trailers, and other items of recreational equipment stored on trailers need to be a compacted surface, as defined by Section 10 Division 16 of this Code”	Modification—incorrect reference
12-4	Renumber Subsection “G” to “B”	Modification—incorrect reference, consistency
12-5B3	“Where ten (10) or more parking spaces are required, off-street parking areas shall be located a minimum distance of twelve (12) six (6) feet from the property line, in front yards, and six (6) feet from the side and rear property lines to accommodate a landscaped perimeter as provided in Division 13.”	Modification—consistency with Division 13
Graphic 12-5B	Amend graphic to reflect twelve (12) foot setback in front yards.	Modification—consistency with Division 13
12-6F2(a)	“Driveways leading to parking lots of ten (10) parking spaces or more shall conform to the requirements of Section 12-6 FD .1. of this Code.”	Modification—incorrect reference
12-6H3	Dimensions for compact spaces are shown in Table 12-6 I. X.	Modification—incorrect reference
13-4E2 Sight Distance Requirements	“shall be in compliance with Section 9-9 4-5-E . of this Code and the following visibility triangle standard:”	Modification—incorrect reference

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Graphic 13-7(B)	Amend graphic to reflect twelve (12) foot setback in front yards.	Modification—for consistency
Graphic 13-7(C)	Amend graphic to reflect twelve (12) foot setback in front yards.	Modification—for consistency
16-2-Definitions “A”	ARTISANAL/CRAFT PRODUCTION AND RETAIL: An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items of artisanal quality. This category also includes small scale alcohol production* outlined and defined in (235 ILCS 5/5-1) (from Ch. 43, par. 115). *production amounts and distribution requirements regulated by the Illinois Municipal Code and Chapters 6 and 26 of the City of Bloomington City Code	Modification—to match ordinance adopted in 2016
16-9-Defintions “H”	HARD SURFACE: Means any asphalt or concrete surface of an approved thickness as required by Division 712 of this Code, but excluding rock, gravel, grass, or dirt.	Modification—incorrect reference
16-9-Defintions “H”	HOME OCCUPATION: An occupation or business conducted within any dwelling unit which meets the standards of Section-Division 4-4-D10-20 of this Code.	Modification—incorrect reference
Division 17 Table of Contents	Delete 17-14 Zoning Compliance Certificate; Renummer 17- 15 14 Zoning Verification Letters, 17- 16 15 Complaints and Penalties	Deletion—obsolete Modification—incorrect reference
17-5 Notice and Public Hearings	“Notices shall also be sent by first-class mail”	Deletion—consistency with actual practice
17-7D4(l)	“Landscaping plan indicating the size, location and general characteristic of plant materials as specified in Division 13 of this Zoning Ordinance.”	Addition—clarification
17-7J Expiration and Revocation of special use permits and existing special use.	The revocation or expiration of a special use permit issued pursuant to Section 10-3 of this Code or the expiration or revocation of an existing special use shall cause the use to become an illegal use for the property in question and shall be subject to the enforcement procedures	Deletion—simplify

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	under Section 13-1 of this Code.	
17-7L Change of Use.	“In any case where a special use permit has been granted or where existing special use status has been granted, and the special use has been established, a change in use, from the approved or authorized special use to another use, shall cause the special use permit or existing special use status authorized by Section 10-3 of this Code to expire.”	Deletion—simplify
17-9E3(b) Minor Changes to an approved site plan.	“Minor changes to an approved site plan are those that do not change the intent or character of development or modify the conditions of approval. Examples of minor changes are such as slight adjustments to the in the location, siting, and height of structures, the location of parking stalls and loading areas, and the location and species of landscaping. Minor changes may be authorized by the Director of Community Development pursuant to the administrative procedures in Section 17-9 F.,”	Clarification
17-12D1 Administrative Appeals	“In appeals to the Board from decisions of the administrator denying a sign permit or declaring a sign structure to be illegal, the Board’s scope of review shall be limited to determining whether or not the Administrator’s decision is in accordance with the requirements of the Sign this Code and applicable law and accordingly affirm or reverse the appealed decision. The Board may direct the Administrator to issue the permit or statement permitting the sign structure in accordance with its decision or may remand the matter for further consideration and investigation consistent with the Board’s ruling”	Clarification
17-5A&B Notices and Public Hearing Procedures	TBD	Clarification

RESOLUTION NO. 2020 - 12

**A RESOLUTION AUTHORIZING THE INITIATION OF MINOR TEXT AMENDMENTS,
MODIFICATIONS, AND DELETIONS TO THE BLOOMINGTON ZONING ORDINANCE, CHAPTER
44 OF THE BLOOMINGTON CITY CODE**

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, pursuant to the Illinois Municipal Code, the City of Bloomington has authority to create and to establish, by ordinance, zoning regulations and districts, and to amend said regulations and districts from time to time; and,

WHEREAS, the Bloomington City Council adopted a comprehensive text amendment to Chapter 44 of the City Code on March 11, 2019; and,

WHEREAS, the city desired to evaluate said text amendment after one year and make minor amendments, clarifications, modifications, and deletions as necessary; and,

WHEREAS, pursuant to Chapter 44.17-6 of the Bloomington City Code, the City Council has the power to pass this resolution to initiate minor amendments, clarifications, modifications and deletions to its zoning regulations, Chapter 44 of the Bloomington City Code, and to direct the Bloomington Planning Commission to hold a public hearing on said amendments.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the City Council directs city staff to initiate minor text amendments to the Bloomington Zoning Ordinance, Chapter 44 of the Bloomington City Code;
2. That the Bloomington Planning Commission shall hold a public hearing, after due notice as required by law, on said amendments.

PASSED this 13th day of April 2020.

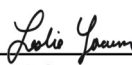
APPROVED this 15th day of April 2020.

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Leslie Smith-Yocum, City Clerk



EXHIBIT A**MINOR AMENDMENTS, CLARIFICATIONS, MODIFICATIONS and DELETIONS to Chapter 44 of the
Bloomington City Code.**

Code Reference	Proposed Amendments	Justification
Chapter 2-Title	BLOOMINGTON ZONING ORDINANCE - SECTION DIVISION 2	Modification— consistency
Table 5(2)A: Business Districts-Permitted and Special Uses	Delete footnote “4” text and leave blank for future reference.	Deletion— redundant, footnote 4 was the same as footnote 1
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Table 5(2)A: Business Districts-Permitted and Special Uses	Delete the footnote “2-use is permitted only when located above the first story above grade” for “Place of Worship” in the B-1 district.	Clarification— footnotes incorrect
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Place of Worship” with a “special use” in the B-2 district	Addition—to address existing nonconformities
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Commercial Recreation Facilities” as a “special use” in the D-2 and D-3 districts	Addition
Table 5(2)A: Business Districts-Permitted and Special Uses	Modify “Sports and Fitness Establishments” in the D-2 district from “special use” to “permitted use”	Modification— consistency with adjacent districts and uses

Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Theaters and Auditoriums” as a permitted use in the D-2 district	Addition—to address existing nonconformities
Table 5(2)A: Business Districts-Permitted and Special Uses	Add “Bus and Taxi Passenger Terminals” as a “special use” in the D-2 and D-3 districts	Addition—consistency with adjacent districts and uses
Table 6(2)A: Manufacturing Districts-Permitted and Special Uses	Add “Place of Worship” with a “special use” in the M-1 district	Addition—to allow consistency with other assembly uses in district
9-4A Permitted Encroachments in Required Yards.	“Table 9-45”	Modification—incorrect reference
9-4B Permitted Encroachments in Public Rights-of-Way.	“provided a minimum 5’4” wide clear path be maintained”	Clarification—to ensure compliance with ADA
9-5B Principal Building on a Lot (nonresidential districts)	“In all other districts, and subject to the site plan review requirements in 5 of this Code , more”	Deletion—simplify
9-7A5(B)—Temporary Uses	“items described in Section 9-78 A.34 (a), (b), (c), and (l).”	Modification—incorrect reference
9-10 B. Fence Materials	Fence Materials. “1. Residential fences shall not be constructed of chain-link , wire mesh, barbed wire, electrically charged fence, or topped with sharp edged materials. In residential districts, chain link fence may be allowed in the rear yard when not visible from the street. 2. In all other districts, except in the agricultural, manufacturing and P-3 Airport District, fences shall not be constructed of chain link, wire mesh, barbed wire, electrically charged fence, or topped with sharp edged materials.”	Addition and Clarification—to allow residential uses to have chain link fences in rear yards not visible from street (addressing economic hardship) and clarify regulations between residential and other nonresidential districts
9-11D1. Outdoor Lighting.	“General. All outdoor lights used to illuminate any lot in any district business, manufacturing or public	Clarification--simplify

	interest district that is adjacent to or across a street from any lot in a residential district shall be so shielded and directed as to protect such residentially zoned adjacent lots or lots across the street from direct or reflected glare.”	
10-15A2(a) Operational Standards for Commercial Recreation Facilities	“It shall be unlawful for any person to set up for operation or allow operation of more than sixty (60) such mechanical, electronic and/or video type game machines in any one location or establishment in the B-1 , B-2, and B-3 D-1, D-2, and D-3 Districts and more than one hundred forty (140) such machines in any one location or establishment in the C-3-B-1 District.”	Modification— incorrect references
10-20A. Home Occupations	“A home occupation or profession shall be permitted as an accessory use in the A and R districts subject to the following restrictions”	Addition—incorrect reference
Division 12. Off-Street Parking and Loading Table of Contents	Add “12-9 Adjustments to Required Parking.” Renumber: 12- 910 Other Parking Uses 12- 1011 Loading Design Standards 12- 1112 Off-Street Loading Requirements 12- 1213 Bicycle parking requirements 12- 1314 Mobility and circulation	Modification— missing reference
12-3E5	“recreational equipment must be on a hard surface as defined in Section 3-2 Division 16 of this Code”	Modification— incorrect reference
12-3E6	“Camping trailers, domestic utility trailers, boats on trailers, and other items of recreational equipment stored on trailers need to be a compacted surface, as defined by Section 10 Division 16 of this Code”	Modification— incorrect reference
12-4	Renumber Subsection “G” to “B”	Modification— incorrect reference, consistency

12-5B3	“Where ten (10) or more parking spaces are required, off-street parking areas shall be located a minimum distance of twelve (12) six (6) feet from the property line, in front yards, and six (6) feet from the side and rear property lines to accommodate a landscaped perimeter as provided in Division 13.”	Modification—consistency with Division 13
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12-6F2(a)	“Driveways leading to parking lots of ten (10) parking spaces or more shall conform to the requirements of Section 12-6 FD .1. of this Code.”	Modification—incorrect reference
12-6H3	Dimensions for compact spaces are shown in Table 12-6 I. X- .	Modification—incorrect reference
13-4E2 Sight Distance Requirements	“shall be in compliance with Section 9-9 4-5-E . of this Code and the following visibility triangle standard:”	Modification—incorrect reference
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16-2-Definitions “A”	ARTISANAL/CRAFT PRODUCTION AND RETAIL: An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items of artisanal quality . This category also includes small scale alcohol production* outlined and defined in (235 ILCS 5/5-1) (from Ch. 43, par. 115). *production amounts and distribution requirements regulated by the Illinois Municipal Code and Chapters 6 and 26 of the City of Bloomington City Code	Modification—to match ordinance adopted in 2016

16-9-Defintions “H”	HARD SURFACE: Means any asphalt or concrete surface of an approved thickness as required by Division 7 12 of this Code, but excluding rock, gravel, grass, or dirt.	Modification— incorrect reference
16-9-Defintions “H”	HOME OCCUPATION: An occupation or business conducted within any dwelling unit which meets the standards of Section-Division 4-4-D 10-20 of this Code.	Modification— incorrect reference
Division 17 Table of Contents	Delete 17-14 Zoning Compliance Certificate ; Renumber 17- 15 14 Zoning Verification Letters, 17- 16 15 Complaints and Penalties	Deletion—obsolete Modification— incorrect reference
17-5 Notice and Public Hearings	“Notices shall also be sent by first-class mail”	Deletion— consistency with actual practice
17-7D4(l)	“Landscaping plan indicating the size, location and general characteristic of plant materials as specified in Division 13 of this Zoning Ordinance.”	Addition— clarification
17-7J Expiration and Revocation of special use permits and existing special use.	The revocation or expiration of a special use permit issued pursuant to Section 10-3 of the this Code or the expiration or revocation of an existing special use shall cause the use to become an illegal use for the property in question and shall be subject to the enforcement procedures under Section 13-1 of this Code.	Deletion—simplify
17-7L Change of Use.	“In any case where a special use permit has been granted or where existing special use status has been granted, and the special use has been established, a change in use, from the approved or authorized special use to another use, shall cause the special use permit or existing special use status authorized by Section 10-3 of this Code to expire.”	Deletion—simplify

17-9E3(b) Minor Changes to an approved site plan.	“Minor changes to an approved site plan are those that do not change the intent or character of development or modify the conditions of approval. Examples of minor changes are such as slight adjustments to the in the location, siting, and height of structures, the location of parking stalls and loading areas, and the location and species of landscaping. Minor changes may be authorized by the Director of Community Development pursuant to the administrative procedures in Section 17-9 F.,”	Clarification
17-12D1 Administrative Appeals	“In appeals to the Board from decisions of the administrator denying a sign permit or declaring a sign structure to be illegal, the Board’s scope of review shall be limited to determining whether or not the Administrator’s decision is in accordance with the requirements of the Sign this Code and applicable law and accordingly affirm or reverse the appealed decision. The Board may direct the Administrator to issue the permit or statement permitting the sign structure in accordance with its decision or may remand the matter for further consideration and investigation consistent with the Board’s ruling”	Clarification

86782

A Public Hearing before the Bloomington Planning Commission will be held virtually on Wednesday, August 12, 2020 at 4:00 PM at www.cityblm.org/live on an application submitted by the Bloomington City Council (Resolution 2020-12) for minor text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code. The application is available for review online <https://www.cityblm.org/planning>. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/register>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. Members of the public may also attend the meeting at City Hall at 109 E. Olive Street, Bloomington IL 61701. Attendance will be limited to the lesser of 50 persons or 50% of room capacity and will require compliance with City Hall COVID-19 protocols and social distancing. The rules for participation by physical attendance may be subject to change due to changes in law or to executive orders relation to the COVID-19 pandemic occurring after the publication of this notice. Changes will be posted at www.cityblm.org/register. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

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