



**AGENDA
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
COUNCIL CHAMBERS
109 EAST OLIVE STREET
BLOOMINGTON, IL
WEDNESDAY, JUNE 27, 2018 4:00 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. MINUTES** Review the minutes of the May 23, 2018, regular meeting of the Bloomington Planning Commission.
- 5. REGULAR AGENDA**
- 6. OLD BUSINESS**
 - A. City of Bloomington Zoning Ordinance Update:** Continued discussion on the Zoning Ordinance update; Presentation by Houseal Lavigne Associates.
- 7. NEW BUSINESS**
- 8. ADJOURNMENT**

DRAFT
MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 23, 2018 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. David Stanczak, Mr. Kevin Suess, Ms. Megan Headean, Mr. John Protzman, Mr. Mark Muehleck, Mr. Thomas Kreiger, Ms. Megan McCann, Mr. Tyson Mohr, Chairman Justin Boyd

MEMBERS ABSENT: Mr. Eric Penn

OTHERS PRESENT: Mr. George Boyle, City Attorney; Ms. Katie Simpson, City Planner; Ms. Izzy Rivera, Assistant City Planner. John Houseal, Houseal Lavigne Associates, Jackie Wells, Houseal Lavigne Associates.

CALL TO ORDER Chairman Boyd called the meeting to order at 4:00 PM. Ms. Simpson called roll, and with nine members present, the commission had a quorum.

PUBLIC COMMENT: Mark Mocilan of Patriot Signs & Electric, 1503 Circle Ave., Bloomington, IL 61704, voiced concerns over the process of code changes, implementations and cost. Mr. Mocilan stated that he would like to be involved in the sign code revisions for the City of Bloomington. Chairman Boyd informed him that City staff will follow-up with him after the meeting.

MINUTES: The Commission reviewed the minutes from the May 9, 2018 regular meeting. Mr. Krieger motioned to approve the minutes; seconded by Mr. Stanczak, and approved by voice vote, 8-0.

REGULAR AGENDA: None.

OLD BUSINESS:

- A. **City of Bloomington Zoning Ordinance Update:** Continued discussion on the Zoning Ordinance update; Presentation by Houseal Lavigne Associates.

Chairman Boyd asked if the new commissioners have been brought up-to-speed on the Zoning Ordinance review process.

Ms. Simpson stated that minutes from past meetings are available for commissioners to review. She indicated that the process began in 2016. Houseal Lavigne Associates has been hired as consultants by the City. Ms. Simpson indicated that Mr. John Houseal is in attendance to provide an update to the commission.

Chairman Boyd welcomed Mr. Houseal and Ms. Wells to the meeting. He asked Mr. Houseal to proceed with his presentation.

Mr. Houseal introduce himself and Ms. Jackie Wells to the Commission.

Mr. Houseal presented background information to the commission. He explained that the city went through the process of developing the Comprehensive Plan, “Bring It On Bloomington” and that this plan creates a new vision/character for the city moving forward with development. He stated one of the first things when adopting a plan is to review and amend the zoning ordinance. He explained that the zoning drives and regulates what comes out of the ground and assists in the development of character for the city. The city engaged Houseal Lavigne Associates (HLA) to assist with aligning the ordinance with the priorities and directions spelled out in the Comprehensive Plan and updating the ordinance in general. Mr. Houseal stated that one goal of revising the ordinance is to streamline the development process and to eliminate unnecessary reviews for developers.

Mr. Houseal stated that a diagnostic review of each district has been completed, looking for issues and how the ordinance aligns with the Comprehensive Plan and what governs the Planning Commission. Mr. Houseal met with the Planning Commission and staff to review all chapters. Research with staff on each chapter and recognizance out in the field has been conducted over the past year and a half. He stated that rewriting sections of the code began after complete evaluation of the current standards created in the Comprehensive Plan. These sections were discussed with the commission and staff and a “red line” version was then created with proposed recommendations by HLA.

Mr. Houseal stated that over the last few months, Houseal Lavigne Associates has been meeting internally with staff to finalize a draft version and that Mr. Boyle has been reviewing the legal procedures and interpretations. Mr. Houseal stated that the goal is to have a competed working draft distributed next month and he shared his anticipated timeline, which is as follows:

June (16 of 17 chapters) Clean Working Draft
July Clean Draft posted on website for Public Review
August/September – Public Hearing – Adoption Process

Mr. Houseal explained that the city amended the contract with HLA a month ago to look amending the Sign Code. He stated that the process will begin soon on the Sign Code, but has not started yet. Mr. Houseal stated that HLA has over 15 years of experience drafting sign ordinances and that the scope of work in the contract provides that the review process should follow the same diagnostic process completed during the zoning ordinance revision.

Mr. Houseal explained that sign codes were typically classified by structure of sign and functional types of signs, but this practice treads into the question of regulating content. He confirmed Mr. Mocilan’s earlier claim that the driving force for the Sign Codes amendment is to establish content neutral regulations and eliminate content specific regulations. Mr. Houseal described the recent Supreme Court ruling in the Reed v Gilbert case. Mr. Houseal acknowledged all the hard work by the Commission and staff over the last year and a half. He

stated the goal is to streamline the review procedures and he feels that is the direction the ordinance is moving.

Ms. Headan asked if Mr. Houseal will walk the Commissioner's through the Ordinance the next time they meet? Mr. Houseal indicated he would like to get the draft to the Commissioner's before hand so that there is plenty of time to review and ask questions when he is at the meeting. He explained that some chapters have not changed, while others are completely new. Mr. Houseal explained the process of establishing the D1, D2 and D3 districts intended to reflect best practices in downtown planning and to achieve goals in the Comprehensive Plan. He described that similar districts were collapsed and combined such as the B1 and C3 districts or the B2 and C2 districts. He explained he would like to get the clean version to the Commission before highlighting the major changes.

Chairman Boyd asked if there be time to voice concerns or questions after receiving the draft version? Mr. Houseal indicated that the Commission is charged with making changes and the next time they meet is a good time to discuss concerns or questions.

Mr. Mohr stated that it would be helpful to have an executive summary with the draft. He asked if it there will be a written summary attached. Mr. Houseal indicated he has provided powerpoints presentations in the past and stated he summarized the chapters verbally. Mr. Houseal stated he will walk through the draft and have the power point available as he walks the through the chapters.

Ms. Simpson reiterated what John has conveyed to the Commission; she explained the goal was to reduce nonconforming lots and structures, to simplify the code, to reduce barriers for entrepreneurs, and to align the code with new technologies and the comprehensive plan.

Chairman Boyd asked if it is possible to receive the packet sooner than the Friday before the meeting. Mr. Houseal indicated the draft will be sent as soon as possible when completed and will be sure the Commission has enough time to review.

Chairman Boyd thanked John for the presentation.

NEW BUSINESS: None.

ADJOURNMENT: The meeting adjourned at 4:27 by unanimous voice vote; motioned by Mr. Stanczak and seconded by Ms. Headean.

Respectfully submitted,
Katie Simpson,
City Planner

Memorandum

*To: Bloomington Planning
Commission*

From: Katie Simpson, City Planner

Date: June 21, 2018

*Subject: **Zoning Ordinance Chapters***

Included in the June 27, 2018 Planning Commission packet are:

- 1. Redlined versions of Sections 44.10-44.13, and 44.17.*
- 2. Clean versions of Sections 44.1-44.9*
- 3. Copy of the current Bloomington Chapter 3, Sign Code.*

The redline versions of Section 44.10-44.13, and 44.17 are for discussion at the June 27, 2018 meeting. The clean versions of Sections 44.1-44.9 have been reviewed by the Commission, and incorporate Commission feedback and comments. The current sign ordinance is attached for your review and reference before we begin the update process.

BLOOMINGTON ZONING ORDINANCE – DIVISION 10

DIVISION 10. USE PROVISIONS

- 44.10-1 – Purpose and Intent**
- 44.10-2 – Applicability**
- 44.10-3 – Airports and Landing Fields**
- 44.10-4 – Animal Detention and Kennels with Outdoor Exercise**
- 44.10-5 – Apiary, Beekeeping**
- 44.10-6 – Asphaltic Concrete Plants**
- 44.10-7 – Bed and Breakfast Establishments**
- 44.10-8 – Camps and Camping Establishments**
- 44.10-9 – Car Washes**
- 44.10-10 – Cemeteries**
- 44.10-11 – Chicken-Keeping**
- 44.10-12 – Clubs and Lodges**
- 44.10-13 -- Community Centers, Sports & Fitness Establishments**
- 44.10-14 -- Community Reception Establishments**
- 44.10-15 – Commercial Recreation Facilities**
- 44.10-16 – Country Clubs, Golf Clubs, Golf Courses**
- 44.10-17 – Fairgrounds, Agricultural Exhibits**
- 44.10-18 – Food Pantries**
- 44.10-19 – Group Living Facilities, Boarding & Rooming, Homes for the Aged**
- 44.10-20 -- Home Occupations**
- 44.10-21 – Hotel or Motel**
- 44.10-22 – Junk Yards**
- 44.10-23 – Manufactured and Mobile Home Sales**
- 44.10-24 – Medical or Dental Offices or Clinics**
- 44.10-25 – Mining / Quarrying**
- 44.10-26 – Mini Warehouses**
- 44.10-27 – Mobile Food and Beverage Vending**
- 44.10-28 – Recycling Facilities, Refuse Disposal, Sanitary Landfills, Solid Waste Disposal, Waste Transfer Stations**
- 44.10-29 – Refractory Lined Pit Burners**
- 44.10-30 – Roadside Markets**
- 44.20-31 – Solar Energy Conversion Facilities**
- 44.10-32 – Swimming Pools, Community**
- 44.10-33 – Theaters, Drive-In**

44.10-34 – Vehicle Repair and Service

44.10-35 – Veterinary Office or Clinic

44.10-36 -- Wind Energy Conversion Facilities

44.10-37 – Wireless Communication Facilities

44.10-1 – PURPOSE AND INTENT

This Section is established in recognition that certain uses cannot be treated in the same manner as other uses due to their very nature and unique characteristics which may affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the intent and purpose of this Code. These uses, when properly placed and regulated, can contribute to the economic vitality of the City. Therefore, it is the purpose of this Section to specify minimum standards that shall be required for certain land uses, in addition to the underlying zoning district regulations, to improve compatibility with neighboring properties and discourage incompatible land uses.

~~The development and execution of this Code is based upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, by their very nature and their unique characteristics cannot be permitted in a particular district or districts without special consideration being given to the characteristics of surrounding property, as well as the site itself and the impact such a use would have on adjoining or nearby property. The purpose of this section is to specify standards that shall be required to be met before the issuance of a special use permit. In addition to the underlying zoning district regulations and the general standards applicable to all Special Use requests, each Special Use shall meet the specific standards set forth for that particular use and any conditions imposed by the City Council in the ordinance granting the Special Use Permit. Such Special Uses fall into two categories:~~

~~— A. —uses publicly operated or traditionally affected with a public interest; (Ordinance No. 2006-137)~~

~~— B. —uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. (Ordinance No. 2006-137)~~

44.10-2 – APPLICABILITY

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

44.10-3 – AIRPORTS AND LANDING FIELDS

- A. Site plan approval shall be required pursuant to Section 44.18-12 of this Code. In addition to the stated site plan requirements, the site plan shall also indicate approach zones, terminals, runways, taxi ways, aprons, and navigational aids.
- B. Maximum Height. Height of structures shall be limited in accordance with the requirements of the Federal Aviation Administration and the Illinois Department of Aeronautics for the class of airport or landing field being proposed.
- C. The following minimum site and bulk standards shall be required for the siting and development of any airport and landing field.

TABLE 44.10-3 AIRPORT AND LANDING FIELD BULK STANDARDS					
Lot Standards			Site Design Standards		
Min. Lot Area	Min. Lot Width	Min. Lot Depth	Front Yard	Side Yard	Rear Yard
28 acres	250 ft.	1,900 ft.	100 ft.	50 ft.	100 .

44.10-4 – ANIMAL DETENTION FACILITIES, KENNELS WITH OUTDOOR EXERCISE

- A. Location. An animal detention facility or kennel with outdoor exercise facilities shall not be located closer than three hundred (300) feet to a residential district boundary line.
 - 1. Outdoor areas for animals (animal runs and animal exercise areas) shall be located at least one thousand (1,000) feet away from the lot line of any lot zoned in a Residential District, or at least one thousand (1,000) feet away from the lot line of any lot that is the site of a dwelling.
- B. Screening. In addition to the requirements of Section 44.9-12 of this Code, a six (6) foot high fence shall be required to enclose outdoor animal areas.
- C. Building Height. The maximum permitted building height shall be fifteen (15) feet or one and one-half (1½) stories, whichever is lower.
- D. The following minimum site standards shall be required for the siting and development of any animal detention facility or kennel with outdoor exercise.

TABLE 44.10-4 ANIMAL DETENTION, KENNELS WITH OUTDOOR EXERCISE BULK STANDARDS					
Lot Standards			Site Design Standards		
Min. Lot Area	Min. Lot Width		Front Yard	Side Yard	Rear Yard
1 acre	100 ft.		20 ft.	20 ft.	20 ft.

44.10-5 – APIARY, BEEKEEPING

- A. In all Districts, the following standards shall apply.
 - 1. Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
 - 2. Africanized bees are prohibited.
 - 3. The site shall be enclosed by fencing with a secure gate and prominent signage warning of the presence of a hive.

4. A supply of water shall be provided for all hives.
5. Site Standards.
 - a) Hives must be located at least twenty (20) feet from rear and side lot lines.
 - b) A six (6) foot flyway barrier at least six feet in height shall be maintained parallel to the property line. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
- B. In Residential Districts, the following additional standards shall apply.
 1. The keeping of up to two (2) hives may be permitted as an accessory use to a single-family dwelling.
 2. The keep of up to four (4) hives may be permitted as an accessory use to a nonsingle-family detached residential dwelling.
 3. Each hive shall have a maximum size of twenty (20) cubic feet.
 4. Hives are not permitted in any front or side yard and shall be located behind the principal structure.
 5. There shall be no outdoor storage of bee paraphernalia.

44.10-6 – ASPHALTIC CONCRETE PLANTS

- A. Site plan approval shall be required pursuant to Section 44.18-12 of this Code. In addition to the stated site plan requirements, the site plan shall also indicate the following:
 1. Site size in acres;
 2. Existing physical features (e.g., drainage easements, streams, and ~~marshes~~ wetlands);
 3. Proposed utilities showing size, types, location and elevations (including water mains, valves, hydrants, sanitary sewers and storm sewers);
 4. Location of refuse storage areas (dumpsters must be screened in accordance with Division 14 of this code);
 5. Outdoor lighting plan in accordance with Section 44.9-12 of this Code;
 6. Finished grading plan of the site at two (2) foot contour intervals;
 7. Drainage plan indicating direction of run-off flow, location of catch basins and water retention and/or detention areas; land to be dedicated for streets and drainage right-of-way and easements for other utilities.
 8. Truck routing plan for routing truck traffic to the site of the proposed asphaltic concrete plant.
- B. Location.
 1. The closest lot line for any proposed asphalt plant shall not be located closer than two thousand (2,000) feet from the lot line of any dwelling, daycare center, pre-school or school.
 2. The proposed site for the asphaltic concrete plant shall be contiguous to a major or collector street that has been improved (thickness and width) to accommodate the anticipated traffic in accordance with the Bureau of Local Roads and Streets Manual, published by the Illinois Department of Transportation.

- C. Buffers and Screening. In addition to the requirements of **Division 14** of this Code, the following minimum buffers and screening shall be required.
1. A wire mesh or chain link fence shall be installed and maintained around the perimeter of the site. Said fence shall have a height of at least eight (8) feet. All gates in the fence shall be locked whenever workers are not present.
 2. An asphaltic concrete plant shall provide a natural buffer strip at least one hundred (100) feet wide between the working edge of any plant operation and any property boundary. Natural buffer strip materials may consist of earthen berm of not less than six (6) feet in height, hedges, rows of trees or other fast growing foliage that will obscure the sight of the asphalt plant's operation.
- D. Paving: The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least twenty five (25) feet wide wherever any continuous truck traffic is proposed. With the exception of equipment and material storage areas, all parking and traffic circulation areas shall be hard surfaced.
- E. Operational Standards.
1. The hours of operation for any asphaltic concrete plan shall be limited to 6:00 a.m. to 7:30 p.m., Monday through Saturday. Expanded hours and Sunday operations may be allowed on an occasional basis (no more than 12 projects per year) provided such operation is registered in advance with the City of Bloomington. During expanded hours and Sunday operation, the City Manager may impose additional restrictions reasonably related to health, safety and welfare.
 2. The proposed asphaltic concrete plant shall comply with all applicable regulations of the Illinois Environmental Protection Agency. Any proposed hot-mix asphaltic concrete plant shall be equipped with a fabric filter (bag house) operating consistently with a six (6) to one (1) (or less) air-to-cloth ratio or operate a wet collector which can achieve a pressure drop of sixteen (16) inches or more or provide an air pollution control system of at least equal quality.
 3. Any automatic batching equipment and recording equipment on a hot-mix asphaltic concrete plant shall meet the requirements currently set forth in the **American Society for Testing Materials (ASTM) designation 995, paragraphs 3.6 and 3.7**. Any proportioning, sampling, and recording equipment on and at a continuous-mix asphaltic concrete plant on the platform scales shall meet the requirements currently set forth in the **ASTM Designation 995, paragraphs 4.5 and 4.6**.
- F. Noise. In addition to the standards of Section 44.9-12, low frequency noise readings from the burners at a hot-mix asphaltic concrete plant shall not exceed the following:
1. Ninety (90) decibels adjacent to such asphaltic concrete plant's lot line;
 2. Eighty-five (85) decibels at one hundred (100) feet from such lot line; and
 3. Seventy-eight (78) decibels at three hundred (300) feet from such lot line.
- G. The following minimum lot standards shall be required for the siting and development of any asphaltic concrete plant.

TABLE 44.10-6 ASPHALTIC CONCRETE PLANTS - LOT STANDARDS

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

Min. Lot Area	Min. Lot Width
10 acres	200 ft.

44.10-7 – BED AND BREAKFAST ESTABLISHMENTS

- A. Any structure devoted to a bed and breakfast use shall have been constructed prior to 1950.
- B. A building floor plan shall be filed as part of the application for a bed and breakfast establishment. The floor plan shall designate areas to be used as a bed and breakfast establishment and identify all means of egress, all required exit signs, all rest room facilities and all food preparation/storage areas.
- C. Parking. Off-street parking spaces required pursuant to **Division 12** of this Code shall be located on the same lot as the bed and breakfast establishment, on an abutting lot, or on a lot not more than five hundred (500) feet from the site of such bed and breakfast establishment.
- D. The following minimum site and bulk standards shall be required for the siting and development of any bed and breakfast establishments.

TABLE 44.10-7 BED AND BREAKFAST ESTABLISHMENT - BULK STANDARDS		
Min. Lot Area	Min. Lot Width	Max. Building Height
7,000 s.f.	60 ft.	3 stories

44.10-8 – CAMPS AND CAMPING ESTABLISHMENTS

- A. Location. Camps and camping establishments shall be so located as to have direct access from an improved major or collector roadway to avoid routine ingress and egress through residentially developed neighborhoods
- B. Repair work for travel trailers, recreational vehicles and similar vehicles shall be permitted only for the maintenance and upkeep of those vehicles housed on the property and shall be carried on only within a completely enclosed building.
- C. Permanent drinking and toilet facilities shall be provided in accordance with applicable regulation of the McLean County Health Department.
- D. Building Height. The maximum permitted building height shall be fifteen (15) feet or one (1) story, whichever is lower.
- E. The following minimum site and bulk standards shall be required for the siting and development of any camp or camping establishment.

TABLE 44.10-8 CAMPS AND CAMPING ESTABLISHMENTS BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10 acres	300 ft.	20 ft.	20 ft.	20 ft.

44.10-9 – CAR WASHES

- A. Location. The facility shall be located on a major or collector street or a frontage road and shall not be located closer than one hundred twenty (120) feet of a Residential District boundary.

B. Site Standards.

1. All car washing facilities shall be within either a completely enclosed building or a canopy structure.
2. Curb cuts shall not be permitted within ten (10) feet of a side lot line.
3. The sale of automobile accessories not directly related to the cleaning of automobiles shall be prohibited.

A. Parking. All exterior lighting shall comply with Section 44.9-12 and ~~direct the light away from adjoining residential property and~~ shall not increase the intensity of light within ten (10) feet of a Residential District boundary line by more than one-half (½) foot candles.

C. Building Height. The maximum permitted building height shall be twenty (20) feet or one (1) story, whichever is lower.

1. The following minimum site and bulk standards shall be required for the siting and development of any car washes.

TABLE 44.10-9 CAR WASHES BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10,000 s.f.	70 ft.	40 ft.	15 ft.	20 ft.

44.10-10 – CEMETERIES

A. Site Standards.

1. Water shall be available within four hundred (400) feet of all grave sites.
2. Trash receptacles shall be located adjacent to internal roadways and not more than two hundred (200) feet apart. No rubbish shall be allowed to accumulate upon the site except within trash receptacles.
3. Storage of any maintenance machinery or other equipment shall be within completely enclosed buildings.
4. In addition to compliance with Section 44.9-12, any security lighting on premises shall be no greater than a residential street light (4,000 lumens) and shall have fixtures that direct light away from adjoining residential structures.

B. Roadways. All roadways shall be a minimum of fourteen (14) feet in width and shall have a minimum surface improvement of Class A-3 or equivalent with an eight (8) inch crushed aggregate base.

C. Building or Structure Height. The maximum permitted height for any building or structure shall be thirty (30) feet or two (2) stories, whichever is lower.

D. The following minimum lot standards shall be required for the siting and development of any cemetery.

TABLE 44.10-10 CEMETERY LOT STANDARDS	
Min. Lot Area	Min. Lot Width
2 acres	150 ft.

44.10-11 – CHICKEN-KEEPING

- A. Notwithstanding any permitted use in the Agricultural District, the keeping of up to four (4) chickens may be permitted as an accessory use to a single-family or two-family dwelling and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- B. Keeping of roosters or chickens for slaughter is not permitted.
- C. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- D. Enclosures are not permitted in any front or side yard, and shall be set back a minimum distance of ten (10) feet from all property lines.
- E. All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.

44.10-12 – CLUBS AND LODGES

- A. The following minimum lot standards shall be required for the siting and development of any club or lodge.

TABLE 44.10-12 CLUBS AND LODGES STANDARDS	
Min. Lot Area	Min. Lot Width
10,000 s.f.	70 f.t.

44.10-13 – COMMUNITY CENTERS, SPORTS & FITNESS ESTABLISHMENTS

- B. Fencing. A forty-two (42) inch high wire mesh or chain link fence shall enclose children's outdoor play areas.
- C. The following minimum lot standards shall be required for the siting and development of any community center or sports and fitness establishment.

TABLE 44.10-13 COMMUNITY CENTERS, SPORTS & FITNESS LOT STANDARDS	
Min. Lot Area	Min. Lot Width
20,000 s.f.	100 f.t.

44.10-14 – COMMUNITY RECEPTION ESTABLISHMENTS

- A. Location. In residential areas, a community reception establishment shall be separated from other community reception establishments by a minimum distance (from lot line to lot line) of six hundred (600) feet.
- B. Any structure devoted to a community reception establishment use shall have been constructed prior to 1950.
- C. A community reception establishment shall be occupied by the owner and/or operator of the establishment.
- D. A building floor plan shall be filed as part of the application for a community reception establishment. The floor plan shall designate areas to be used as a community reception establishment and identify all means of egress, all required exit signs, all rest room facilities and all food preparation/storage areas.
- E. Operational Standards.

1. At least twenty-four (24) hours prior to any event, the owner/operator of the reception establishment shall transmit written notice to the Director of Community Development stating the date, hours of operation, and expected maximum occupancy.
 2. The maximum permitted occupancy for an event is thirty (30) persons (exclusive of those persons staying at the bed and breakfast portion of the premises), and there shall be no more than three (3) events per week. However, events with occupancy of up to one hundred (100) persons (exclusive of those persons staying at the bed and breakfast portion of the premises) may be permitted for not more than two (2) events per month subject to a limitation of eighteen (18) such events per calendar year.
 3. Indoor social events shall not begin prior to 9:00 a.m. nor end after 10:00 p.m., prevailing time.
 4. Outdoor social events shall not begin prior to 9:00 a.m. nor end after 9:00 p.m., prevailing time.
 5. Outdoor amplified sounds are prohibited.
- F. Any articles offered for sale at community reception establishments must be arranged in a home like manner; the volume of such sales must be such that the sales are incidental to the principal use of the premises as a community reception establishment.
- G. Parking.
1. Valet parking shall be required for all community reception establishment events accommodating more than thirty (30) people if on site parking is not available.
 2. A plan showing the parking lot configuration shall be filed and kept current, regardless of whether the parking is on site or off site.
 3. Off-street parking spaces required pursuant to **Division 12 or this Code** shall be located on the same lot as the community reception establishment, on an abutting lot, or on a lot not more than five hundred (500) feet from the site of the community reception establishment.
 4. If the parking is provided off-site, the parking lot must be owned by the owner of such community reception establishment or controlled by a five year lease on such lot. If the off-site parking lot is leased, activities at the community reception establishment must be scheduled at such times so that activities taking place on the premises of the parking lot not interfere with the ability of the community reception establishment to provide adequate parking as required by this subsection.
- H. The following minimum lot standards shall be required for the siting and development of any community reception establishments.

TABLE 44.10-14 COMMUNITY RECEPTION ESTABLISHMENT - LOT STANDARDS	
Min. Lot Area	Min. Lot Width
16,500 s.f.	100 ft.

- I. Special Use Permit.
1. The special use permit for a community reception establishment, if approved by the City Council, shall be issued to the owner thereof, but shall not transfer to a subsequent

owner upon the sale of such premises unless and until a new special use permit for such establishment is approved by the City Council.

2. All special use permits for community reception establishments shall be reviewed on an annual calendar year basis by the Board of Zoning Appeals in liaison with the Director of Community Development and the City Fire Marshal to insure compliance with the City Code.

~~J. Any person may file a written complaint pertaining to an alleged violation of this Section 44.10-4 or any other section of this Code by the community reception establishment owner with the Director of Planning and Code Enforcement stating fully the causes and basis thereof. Such written complaint shall be investigated by said Director and appropriate action shall be taken in accordance with Section 44.13-5 of this Code.~~

44.10-15 – COMMERCIAL RECREATION FACILITIES

A. Arcades and Amusement Centers shall meet the following standards.

1. Location.
 - a) The lot line of an arcade or amusement center shall not be located any closer than five hundred (500) feet to the lot line of a lot occupied by place of worship, elementary or secondary school, or any establishment principally engaged in the business of selling or dispensing alcoholic beverages on the premises.
 - b) The lot line of an arcade or amusement center shall not be located closer than one thousand (1,000 feet) to the lot line of any other lot that is occupied by an arcade or amusement center.
 - c) The arcade or amusement center shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses.
2. Operational Standards.
 - a) It shall be unlawful for any person to set up for operation or allow operation of more than sixty (60) such mechanical, electronic and/or video type game machines in anyone location or establishment in the B-1, B-2, and B-3 Districts and more than one hundred forty (140) such machines in anyone location or establishment in the C-3 District.
 - b) The establishment shall maintain a minimum of six (6) inches of space between each game machine.
 - c) The game room shall be arranged so that there is a management attendant within the room or such that management attendants outside the room can easily see and supervise the interior of the room.
 - d) The hours of operation for an arcade or amusement center shall be limited to 10:00 a.m. to 11:00 p.m., Sunday through Thursday and 10:00 a.m. to 12:00 p.m., Fridays and Saturdays.
3. The establishment shall be posted "No Smoking", shall not contain cigarette vending machines, shall be supervised by an adult over twenty-one (21) years of age.

4. The establishment shall maintain a minimum level of illumination of at least twenty (20) foot candles.
5. Noise. The arcade or amusement center shall be separated from adjacent occupiable areas by a wall assembly extending from the floor to the roof, with a sound transmission class (STC) of at least fifty-six (56), per American Society of Testing and Materials (ASTM) designations E-90 or E-336, and E-413.
6. The following minimum site and bulk standards shall be required for the siting and development of any arcade or amusement center.

TABLE 44.10-15.A ARCADE AND AMUSEMENT CENTER BULK STANDARDS		
Min. Lot Area	Min. Lot Width	Max. Floor Area Ratio
10,000 s.f.	80 ft.	0.38

- B. Race tracks and Go-Kart Tracks shall meet the following standards.
1. Location. Race tracks and go-kart tracks shall be located adjacent to major streets or adjacent to collector streets which are within one-quarter (1/4) mile of major streets, and shall not be located within 500 feet of a Residential District boundary.
 2. Site access. Vehicular entrances and exits must be separated by a distance not less than two hundred (200) feet.
 3. Buffering and Screening. In addition to the requirements of Division 13 of this Code, wire mesh or chain link fence at least six (6) feet in height shall be installed around the perimeter of the track.
 4. The following minimum site and bulk standards shall be required for the siting and development of any race track or go kart track.

TABLE 44.10-15.B RACE TRACK AND GO KART TRACK BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10 acres	300 ft.	100 ft.	100 ft.	100 ft.

- C. Shooting Galleries and Rifle Ranges shall be located within completely enclosed buildings and have the favorable recommendation of the Chief of Police of the City.

44.10-16 – COUNTRY CLUBS, GOLF CLUBS, GOLF COURSES

- A. A solid wood, masonry or wire mesh fence at least six (6) feet in height shall be provided at the end of all fairways if they are in line with a dwelling or a public right-of-way.
- B. Building Height. The maximum permitted building height shall be thirty-five (35) feet or two (2) stories, whichever is lower.
- C. The following minimum lot standards shall be required for the siting and development of any country club, golf club or golf course.

TABLE 44.10-16 COUNTRY CLUB, GOLF CLUB, GOLF COURSE LOT STANDARDS		
Min. Lot Area	Min. Lot Width	Min. Lot Depth

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

60 acres	300 ft.	2,200 ft.
----------	---------	-----------

44.10-17 – FAIRGROUNDS, AGRICULTURAL EXHIBITS

- A. Location. Access shall be located on a major or collector street or road.
- B. Paving. All roadways shall have a minimum surface improvement of Class A-3 or equivalent with an eight (8) inch crushed aggregate base.
- C. No motor vehicle racetracks shall be erected or operated.
- D. Building or Structure Height. The maximum permitted height for any building or structure shall be fifty (50) feet or four (4) stories, whichever is lower.
- E. The following minimum site and bulk standards shall be required for the siting and development of any fairground or agricultural exhibit.

TABLE 44.10-17 FAIRGROUNDS, AGRICULTURAL EXHIBITS BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
25 acres	500 ft.	150 ft.	100 ft.	100 ft.

44.10-18 – FOOD PANTRY

- A. Location. No structure containing a food pantry shall be located within three hundred (300) feet of an R-1A, R-1B or R-1C district.
- B. The food pantry activity shall not occupy more than 25% of the floor space of any story of the structure containing the food pantry activity.
- C. Operational Standards.
 - 1. All deliveries of goods to the food pantry and distribution of goods by the food pantry shall be conducted through the rear door. If no such rear door is present or useable, an appropriate side door may be approved.
 - 2. Hours of distribution shall be between 9:00 a.m. and 6:00 p.m., Monday through Friday. Should an individual client experience an emergency outside of those hours or on the weekend, the food pantry may take action to help that client.
- D. Screening. In addition to the requirements of **Division 13** of this Code, the following screening standards shall apply.
 - 1. All parking, delivery (receiving) and distribution areas shall be screened.
 - 2. Screening shall be placed along those lot lines, of the lot containing the food pantry, which are contiguous to lots zoned R-2 or R-3A.
 - 3. All screening shall consist of a six (6) foot high opaque fence.
- E. Parking. Off-street parking requirements will be based upon the principal use of the structure containing the food pantry.
- F. Signage. The food pantry shall erect a sign, the size and place of which are governed by **Division 14** of this Code, which clearly identifies the structure containing the food pantry.

44.10-19 – GROUP LIVING FACILITIES, BOARDING & ROOMING HOUSES, HOMES FOR THE AGED

- A. Location. Agency-Supervised Homes and Agency-Operated Group Homes shall be separated from another facility of the same use by a distance of at least one thousand (1,000) feet.
- B. Distribution. No more than three (3) Agency-Operated Family Homes shall be located on a block face (both sides of a street between its intersection with two (2) other consecutive streets).
- C. Parking.
 1. Access to off-street parking areas shall not be provided from an alley unless the alley constructed of all-weather pavement and has been designated by the City as one-way.
 2. Off-street parking shall be fully screened along the rear of the property.
 3. All parking and maneuvering shall be provided on-site; said parking shall be illuminated with lighting fixtures that comply with Section 44.9-12 and that direct the light away from adjoining residential property and shall not increase the intensity of light within ten (10) feet of a Residential District boundary line by more than one-half (½) foot candles.
- D. The following minimum site and bulk standards shall be required for the siting and development of any Group Living Facility, boarding or rooming house, or home for the aged.

TABLE 44.10-19 GROUP LIVING FACILITIES, BOARDING & ROOMING HOUSES, HOMES FOR THE AGED SITE AND BULK STANDARDS		
Use	Min. Lot Area	Min. Lot Width
Home for the Aged	400 s.f. per occupant plus 2,000 s.f. for supervisor's dwelling where applicable	60 ft.
Group Living Facility; Boarding & Rooming Houses	400 s.f. per occupant plus 2,400 s.f. for supervisor's dwelling where applicable	60 ft.

44.10-20 – HOME OCCUPATIONS

- A. Home Occupations. A home occupation or profession shall be permitted as an accessory use in the A district subject to the following restrictions:
 1. ~~Such A~~ home occupation shall be conducted entirely within ~~the a~~ dwelling unit or ~~the an~~ accessory building and shall occupy no more than twenty-five percent (25%) of the gross floor area of the building or 500 square feet, whichever is less;
 2. The existence of the home occupation shall not be apparent beyond the boundaries of the site;
 3. No outdoor storage shall be permitted, except in the Agricultural District where such outdoor storage is customary and incidental to the use of the land;
 4. No special outside entrance to the dwelling shall be required or provided in connection with the home occupation;
 5. ~~The total floor area devoted to such home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling unit nor more than twenty-five percent (25%) of the gross floor area of any story devoted to such use more or than two hundred (200) square feet of floor area if such use is conducted in an accessory building;~~
 6. No sign shall be permitted for the business associated with the home occupation;

7. Except for activities associated with the principal permitted use of the site or a permitted accessory roadside stand, a home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount of the district;
8. Excluding the Agricultural District, Not more than one truck, with a maximum capacity of one ton, incidental to a home occupation may be kept on the site. The number of parking spaces available to a dwelling unit housing a home occupation shall not be reduced to less than the number required pursuant to **Division 44.13** – Off Street Parking and Loading;
9. ~~There are~~ Except for activities associated with the principal permitted use of the site or a permitted accessory roadside stand, no commodities shall be sold, nor shall any ~~or~~ services be rendered, that require receipt and delivery of merchandise, goods or equipment by other than ordinary mail or parcel post;
10. ~~There is~~ No person other than ~~members of the family residing in a resident of~~ the dwelling unit shall be employed on-site or report to work at the site in the conduct of the ~~or otherwise engaged in such~~ home occupation;
11. A barber shop, beauty shop, or other personal service business shall occupy no more than three hundred (300) square feet or twenty-five percent (25%) of gross floor area within a structure, whichever is less. Such home occupation shall be limited to serving one customer at a time by appointment only;
12. Automobile based businesses including but not limited to towing, taxi, and repair services shall not be permitted as a home occupation.
13. The provisions of this section shall not apply to home-based daycare facilities licensed by the Illinois Department of Children and Family Services. Health spas, motor vehicle repair garages and similar activities are prohibited as home occupations. An instructor of music lessons in a dwelling unit or accessory building shall be permitted to instruct not more than one (1) pupil had a time in such dwelling unit or accessory building. A day care home is permitted as a home occupation only within a dwelling unit where the day care home operator 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.). A
professional person may use his or her dwelling for consultation or performance of religious rites.
14. ~~A barber shop, beauty shop or massage therapy studio shall be located entirely within a dwelling unit and shall not exceed a floor area of more than three hundred (300) square feet nor more than one (1) chair for performing professional barber shop or beauty shop services nor more than one (1) customer table for performing professional massage therapy to not more than one (1) customer at a time by appointment only. It shall be unlawful for more than one (1) barber shop, beauty shop or massage therapy customer motor vehicle to be parked at any one time either in the site's driveway or in the street along the site's front lot line.~~
15. ~~It shall be unlawful for any person to conduct or operate a barber shop or beauty shop within an accessory building in whole or in part.~~

16. ~~It shall be unlawful for any person to conduct or operate a barber shop or beauty shop unless said person is licensed by the State of Illinois to operate a barber shop or beauty shop. (Ordinance No. 2006-137)~~

44.10-21 – HOTEL OR MOTEL

- A. The following minimum site and bulk standards shall be required for the siting and development of any hotel or motel.

TABLE 44.10-21 MANUFACTURED AND MOBILE HOME SALES BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
20,000 s.f. or 1,000 s.f. per guest room, whichever is greater	100 ft.	40 ft.	40 ft.	40 ft.

44.10-22 – JUNK YARDS

- A. Location. No junk yard shall be located closer than five hundred (500) feet to a Residential District boundary line or to the property line of a day care, school, place of worship, community center, home for the aged or hospital.
- B. Site Access. The site must have direct access to a major street or highway; vehicles shall not go through residential areas to access the site. There shall be only one point of ingress and egress.
- C. Paving. The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least twenty-five (25) feet wide. All interior roads, driveways, parking lots and loading and unloading areas not required to be paved shall be constructed of an all-weather surface and be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary to limit the nuisance caused by wind-borne dust.
- D. Buffers and Screening. In addition to the requirements of Division 13 of this Code, the following requirements shall apply:
- A junk yard shall be enclosed by a solid, opaque perimeter fence, the material of which shall be required to be approved by the Director of Community Development, at least eight (8) feet in height. All gates in the fence shall be locked whenever workers are not present. The fence shall be of uniform height, uniform texture and color, and shall be maintained to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood.
 - In addition to the fence, an opaque vegetative screen shall be provided around the perimeter of the site to provide year-round buffering to a height of at least six (6) feet tall within four (4) years of planting. The owner or operator of the junk yard shall maintain such landscaping in good condition and shall replace dead or diseased vegetation as necessary to maintain a continuous screen.

- E. All junk, debris, equipment and other materials associated with the junk yard shall be kept within a completely enclosed building or within the confines of the perimeter fence.
- F. Scrap, junk or other materials shall be piled or stored so that they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall within 50 feet of the inside of such fence or wall.
- G. The site shall be maintained in such a condition as to prevent the breeding or harboring of rats, insects or other vermin and to prevent the collection of stagnant water.

44.10-23 – MANUFACTURED AND MOBILE HOME SALES

- B. Use of a manufactured home or mobile home for living or sleeping purposes on the premises shall be prohibited unless expressly requested by the petitioner and approved by the City Council.
- C. No manufactured home or mobile home that has been damaged by wind, fire, explosion or other such calamity shall be stored on the premises for more than forty-eight (48) hours.
- D. Building Height. The maximum permitted building height shall be two thirty-five (35) feet or (2) stories, whichever is lower.
- E. The following minimum site and bulk standards shall be required for the siting and development of any manufactured and mobile home sales facility.

TABLE 44.10-23 MANUFACTURED AND MOBILE HOME SALES BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
1 acre	200 ft.	20 ft.	20 ft.	20 ft.

44.10-24 – MEDICAL OR DENTAL OFFICE OR CLINIC

- A. Applicability. The provisions of this Section shall apply to medical or dental offices or clinics in the R-3B, C-1 and S-1 Districts
- B. The total floor area of the clinic shall not exceed 30% of the net lot area.
- C. In addition to the provisions of **Division 13** of this Code, a minimum of twenty percent (20%) of the net lot area shall be landscaped.
- D. Building Height. The maximum permitted building height shall be thirty-five (35) feet or two (2) stories, whichever is lower.
- E. The following minimum lot standards shall be required for the siting and development of any medical or dental office or clinic.

TABLE 44.10-24 MEDICAL OR DENTAL OFFICE OR CLINIC LOT STANDARDS	
Min. Lot Area	Min. Lot Width
20,000 s.f.	100 ft.

44.10-25 – MINING/QUARRYING

- A. Site plan approval shall be required pursuant to Section **44.18-12** of this Code. In addition to the stated site plan requirements, the site plan application shall also indicate the following:
1. Areas to be excavated;
 2. Grading plan (existing and proposed topography indicated at 2 foot intervals);
 3. Watercourses and drainage ways through the site;
 4. Erosion and sediment control devices;
 5. Proposed location for sorting, grading, crushing and similar operations;
 6. Locations of vehicular access and egress;
 7. Proposed exterior lighting
 8. A reclamation plan indicating the intended method of site restoration and reuse. Such a plan shall not encourage spot development that would potentially conflict with surrounding land uses.
- B. Location.
1. The closest lot line for any proposed mining or quarrying use (e.g., excavating, sorting, crushing, loading, hauling, storage or cutting of stone, clay or sand) shall not be located within two thousand (2,000) feet of the lot line of a dwelling, a daycare or school.
 2. The proposed site for the mining or quarrying use shall be contiguous to a major or collector street that has been improved (thickness and width) to accommodate the anticipated traffic in accordance with the Bureau of Local Roads and Streets Manual, published by the Illinois Department of Transportation.
- C. Buffers and Screening. In addition to the requirements of **Division 13** of this Code, the following minimum buffers and screening shall be required.
1. A natural buffer strip at least one hundred (100) feet wide must be maintained between the working edge of any excavation or quarry and any property boundary. Natural buffer strip materials may consist of earthen berm of not less than six (6) feet in height, hedges, rows of trees or other fast growing foliage that will obscure the sight of the mining operation.
 2. A wire mesh or chain link fence shall be installed and maintained around the perimeter of the mining or quarrying site. Said fence shall have a height of at least eight (8) feet. All gates in the fence shall be locked whenever workers are not present.
- D. Paving. The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least twenty-five (25) feet wide and extending two hundred fifty (250) feet inside the main access gate, so as to limit adjoining lots and public roads from the nuisance caused by road debris and wind-borne dust. All roads, driveways, parking lots and loading and unloading areas not required to be paved shall be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary to limit the nuisance caused by wind-borne dust.
- E. Operational Standards.
1. The hours of operation for a mine or quarry shall be limited to 6:00 a.m. to 7:30 p.m., Monday through Saturday. Expanded hours and Sunday operations may be allowed on an occasional basis (no more than 12 projects per year) provided such operation is

- registered in advance with the City of Bloomington. During expanded hours and Sunday operation, the City Manager may impose additional restrictions reasonably related to health, safety and welfare.
2. The proposed mining or quarrying use shall comply with all applicable regulations of the Illinois Environmental Protection Agency.
- F. Noise. Noise shall not exceed sound levels set forth in **35 Ill. Code Part 900.101 et. seq.** as promulgated from time to time by the Illinois Pollution Control Board pursuant to 415 ILCS5/25.
- G. The site shall be provided with a sustainable water supply for fire protection by fire department pumping apparatus.
- H. A surety bond or other reasonable requirement of assurance that such a reclamation project will be completed shall be required by the City Council in the event that the mine operator is not required to post bond under the Surface Mined Land Conservation and Reclamation Act.
- I. Potable water wells and water supplies shall be protected per the Illinois Groundwater Protection Act.

44.10-26 – MINI WAREHOUSES

- A. Buffers and Screening. In addition to the requirements of **Division 13** of this Code, the following minimum buffers and screening shall be required.
1. A six (6) foot high opaque fence shall be required around the perimeter of the lot to be used as a mini warehouse site.
 2. A chain link or wire mesh fence interlaced or interwoven with opaque strips may qualify as meeting the requirements for a solid opaque ~~screen~~ fence, if approved by the Zoning Administrator.
 3. A landscaping strip, twelve (12) feet in width, shall be provided along all street frontages and along borders where a mini-warehouse site abuts any Residential District.
- B. Site Circulation.
1. All one-way driveways shall provide for one (1) ten (10) foot wide parking lane and one (1) fifteen (15) foot wide travel lane. Traffic direction and parking shall be designated by signing or painting.
 2. All two-way driveways shall provide for one (1) ten (10) foot wide parking lane and two (2) twelve (12) foot travel lanes.
 3. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
- C. Maximum Floor Area: No storage cubicle shall have a gross floor area greater than five thousand (5,000) square feet.
- D. Building Height. The maximum permitted building height shall be thirty-five (35) feet or two (2) stories, whichever is lower.
- E. The following minimum site and bulk standards shall be required for the siting and development of any mini-warehouse facility.

TABLE 44.10-26 MINI WAREHOUSES SITE AND BULK STANDARDS

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

Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
2 acres	100 ft.	20 ft.	20 ft.	20 ft.

44.10-27 – MOBILE FOOD AND BEVERAGE VENDING

- A. Operated by Principal Use. A mobile food and beverage vending business operated by the principal use ~~itself shall not be required to have the license, bond, liability insurance, etc. but~~ shall be registered with the City of Bloomington. Said registration shall require the submission of the following information:
1. Description of goods to be sold;
 2. Hours of operation;
 3. Site plan showing proposed location of such business; and
 4. Name, address and local telephone numbers of the person in charge of the portable food and beverage vending business.
- B. Operated by Independent Vendor. A mobile food and beverage vending businesses operated by other than the principal use itself must be licensed by the City of Bloomington. ~~Such~~ A single location license shall be granted upon submission of the same information required for a temporary sales business as required be Section 44.9-8 of this Code. An annual license holder shall not be required to provide site specific information as part of their application but shall be responsible for meeting the standards as written.
- C. All mobile food and beverage vending businesses shall comply with the requirements of Section 44.9-8 A. 5. through 11. of this Code for temporary sales.

44.10-28 – RECYCLING FACILITIES, REFUSE DISPOSAL SERVICES, SANITARY LANDFILLS, SOLID WASTE DISPOSAL AREAS, WASTE TRANSFER STATIONS

- A. Location.
1. A recycling facility, refuse disposal service, sanitary landfill, solid waste disposal area, or waste transfer station shall not be located closer than five hundred (500) feet to the lot line of a dwelling or to a Residential District boundary line.
 2. The site must be located so as to have direct access to a major street or highway on which traffic will not go through residential areas, and shall have only one point of ingress and egress.
- B. Paving. ~~All roadways within the site shall be of all-weather surface. The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least twenty-five (25) feet wide. All interior roads, driveways, parking lots and loading and unloading areas not required to be paved shall be constructed of an all-weather surface and be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary to limit the nuisance caused by wind-borne dust.~~

- C. Buffers and Screening. In addition to the requirements of **Division 13** of this Code, such uses shall be enclosed by a solid, opaque perimeter fence at least eight (8) feet in height. All gates in the fence shall be locked whenever workers are not present.

44.10-29 – REFRACTORY LINED PIT BURNERS

- A. Location. A refractory lined pit burner shall not be located closer than four hundred (400) feet to the lot line of a dwelling or to a Residential District boundary line.
- B. Buffers and Screening. In addition to the requirements of **Division 13** of this Code, the following minimum buffers and screening shall be required.
1. The site shall be enclosed by a perimeter fence at least eight (8) feet in height.
 2. The site shall be screened from any adjacent land by an evergreen landscaping screen at least eight (8) feet in height
- C. No combustible material and/or vegetation shall be located closer than twenty (20) feet to the exterior surface of the refractory lined pit burner.
- D. The refractory lined pit burner shall be considered accessory to a required principal structure on the same lot.
- E. The hours of operation for a refractory lined pit burner shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday.
- F. Special Use Permit. The applicant for a special use permit shall submit written documentation to the Board of Zoning Appeals verifying compliance with all Illinois Environmental Protection Agency requirements and performance standards for refractory lined pit burners.
- F. Building Height. The maximum permitted building height shall be fifteen (15) feet.
- G. The following minimum site and bulk standards shall be required for the siting and development of any refractory lined pit burner.

TABLE 44.10-29 REFRACTORY LINED PIT BURNERS SITE AND BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
20,000 s.f.	110 ft.	50 ft.	50 ft.	50 t.

44.10-30 – ROADSIDE MARKETS

- A. Roadside markets are a permitted only when accessory to a permitted agricultural use in A District or commercial use in the B-1 District.
- B. Sales of agricultural produce grown on the premises, or value-added products (e.g., jams, relishes and baked goods) derived from produce grown on the premises, are permitted in a roadside market. The sale of durable goods unrelated to the agricultural use (e.g., antiques, fireworks) and products that are not derived from produce grown on the premises is not permitted.
- C. The maximum permitted area for a building, structure or outdoor sales area devoted to retail sales is six hundred (600) square feet.
- D. A roadside market shall be set back at least fifteen (15) feet from a front property line.

44.10-31 – SOLAR ENERGY CONVERSION FACILITIES

- A. Construction and operation of solar energy conversion facilities shall comply with all applicable local, state and federal requirements, including but not limited to safety, construction, environmental, electrical, communications and aviation requirements.
- B. Effect of Approval. Any authorization granted to an individual property owner for a solar energy conversion facility shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of said solar energy conversion facility.
- C. Concealment. All wiring associated with a solar energy conversion facility shall be underground, hardwired within the structure, or contained within a raceway that complements the site or building materials of the principal structure.
- D. Decommissioning. Any abandoned or non-functioning solar energy conversion facility shall be removed by the owner within one hundred twenty (120) days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.
- E. Private Solar Energy Conversion
 - 1. Building or Roof-mounted Systems
 - a) Location. Solar facilities may be located on any principal or accessory structure. Systems should be flush mounted when possible.
 - b) Height. The height of roof-mounted systems is measured from the roof surface on which the system is mounted to the highest edge of the system. Roof-mounted systems shall comply with the following height standards.
 - 1. Maximum Height. Building or roof-mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district.
 - 2. Pitched Roof. Systems shall not extend beyond three (3) feet parallel to the roof surface of a pitched roof.
 - 3. Flat Roof. Systems shall not extend beyond four (4) feet parallel to the roof surface of a flat roof.
 - c) For roof-mounted systems, the total square footage of the system panels may not exceed the total area of roof surface of the structure to which the system is attached. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the perimeter of the building on which the system is mounted or built; however, solar roofing tiles and shingles may extend to the edge of the roof eaves.
 - d) Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.
 - 2. Freestanding Systems.
 - a) Use. Freestanding private solar energy systems shall be accessory to the principal permitted use of the parcel, unless such facilities are located on a parcel dedicated by recorded easement for the conversion of energy to serve multiple users within a

development or subdivision as a community solar energy system. Such congregate use shall be subject to site plan approval pursuant to Section 44.18-12 of this Code.

b) Location.

1. Accessory freestanding systems are permitted in the rear and side yards only, subject to the accessory structure provisions of Section 44.9-9.
2. Freestanding systems approved pursuant to site plan approval shall not be located within the front yard, and shall in other respects comply with the accessory structure provisions of Section 44.9-9.

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 (4) feet.
 2. All Other Districts. The maximum height is fifteen (15) feet.
3. Historic Buildings. Zoning lots within historic districts are subject to the additional requirements of the district.

F. Commercial Solar Energy Conversion

1. Site Plan. Site plan approval shall be required pursuant to Section 44.18-12 of this Code. In addition to the stated site plan requirements, the site plan shall also indicate the following:
 - a) Site size in acres;
 - b) Existing physical features (e.g., drainage easements, streams, and wetlands);
 - c) Location of all proposed solar arrays, other structures, service roads, and support equipment.
 - d) Existing and finished grading plan of the site at two (2) foot contour intervals;
 - e) Drainage plan indicating direction of run-off flow, location of catch basins and water retention and/or detention areas.
2. Location. Accessory to principal permitted use in B-1, B-2 district.
3. Landscaping and Screening. In addition to the requirements of Division 44.13, the following landscaping and screening features shall be provided.
 - a) Opaque solid wood, masonry, or wire mesh fencing shall be provided around the perimeter of the site.
 - b) Native perennial vegetation, such as grasses and wildflowers, shall be planted and maintained on site to reduce erosion, manage stormwater run-off, and enhance soil.
4. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.
5. Glare. Commercial solar energy systems shall not direct glare to neighboring properties or roadways. Solar energy systems that use a reflector to enhance solar energy conversion shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system.

- screening on the north side of the solar array, modifying the orientation of the system, and reducing use of the reflector system.
6. Aviation protection. Within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) consistent with the applicable guidance or requirements of the Federal Aviation Administration (FAA) and Central Illinois Regional Airport Master Plan.
 7. Maximum Height. Solar energy conversion facilities shall not exceed twenty (20) feet in height, as measured from grade at the base of the system to the highest edge at maximum tilt.
 8. The following minimum site and bulk standards shall be required for the siting and development of any commercial solar energy system.

TABLE 44.10-31 COMMERCIAL SOLAR ENERGY CONVERSION SITE AND BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
1 acre	200 ft.	25 ft.	15 ft.	15 ft.

44.10-32 – SWIMMING POOLS, COMMUNITY

- A. Location. A swimming pool shall be located at least sixty (60) feet from the lot line of any property zoned or occupied for a single family dwelling.
- B. The perimeter of the swimming pool area shall be enclosed by a ~~chain-link~~ security fence at least six (6) feet in height.
- C. Parking. Required parking pursuant to Division 12 of this Code may be provided in a surface parking lot and/or parallel on-street parking, provided that the following conditions are met:
 1. The street shall have a minimum street pavement width of thirty (30) feet;
 2. On-street parking shall only be provided directly in front of the proposed facility;
 3. On-street parking stalls shall have a minimum stall length of twenty-two (22) feet;
 4. On-street parking stalls shall not be within twenty (20) feet of a crosswalk at an intersection.
- D. The following minimum lot standards shall be required for the siting and development of any swimming pool.

TABLE 44.10-32 COMMUNITY SWIMMING POOL - LOT STANDARDS	
Min. Lot Area	Min. Lot Width
Equivalent to zoning district standard or 6,600 square feet, whichever is greater	Equivalent to zoning district standard or 50 feet, whichever is greater.

44.10-33 – THEATERS, DRIVE-IN

- A. Accessory uses permitted may include a playground, refreshment stands and public toilets, and souvenir stands or booths.
- B. In addition to the standards of Section 44.9-12, all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within ten (10) feet of a Residential District boundary line by more than one-half (½) foot candle.

- C. No theater screen shall be visible from a Residential District or public right-of-way.
- D. Building or Structure Height. The maximum permitted height for any building or structure shall be fifty (50) feet.
- E. The following minimum site and bulk standards shall be required for the siting and development of any drive in theater.

TABLE 44.10-33 THEATERS, DRIVE IN SITE AND BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
20 acres	200 ft.	200 ft.	200 ft.	200 ft.

44.10-34 – VEHICLE REPAIR AND SERVICE

- A. Location. Not more than two (2) automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than one hundred twenty (120) feet of a Residential District boundary.
- B. Site Standards.
 - 1. No curb cuts shall be permitted within ten (10) feet of a side lot line or twenty (20) feet of a street intersection.
 - 2. Any area where inoperative vehicles are intended to be stored for a period of more than ten (10) days shall be fully screened in accordance with Division 13 of this Code to prevent such vehicles from being viewed from a public street or area.
 - 3. All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building.
- C. The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations
- D. Outdoor Lighting. In addition to the standards of Section 44.9-12, all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within ten (10) feet of a Residential District boundary line by more than one-half (½) foot candle.
- E. Building Height. The maximum permitted building height shall be twenty (20) feet or one (1) story, whichever is lower.
- F. The following minimum site and bulk standards shall be required for the siting and development of any automobile service station.

TABLE 44.10-34 AUTOMOBILE SERVICE STATION SITE AND BULK STANDARDS					
Lot Standards			Site Design Standards		
Min. Lot Area	Min. Lot Width	Min. Lot Depth	Front Yard	Side Yard	Rear Yard
10,000 s.f.	70 ft.	n/a	40 ft.	15 ft.	20 t.

44.10-35 – VETERINARY OFFICE OR CLINIC

- A. Location. A Veterinary Office or Clinic shall not be located closer than three hundred (300) feet to a Residential District boundary line.
- B. Fencing. A six (6) foot high wire mesh fence shall be required to enclose outdoor animal areas.
- C. Lot width. The width of a lot containing a veterinary office or clinic shall not be less than two hundred (200) feet.

44.10-36 – WIND ENERGY CONVERSION FACILITIES

- A. Construction and operation of wind energy conversion facilities shall comply with all applicable local, state and federal requirements, including but not limited to safety, construction, environmental, electrical, communications and aviation requirements.
- B. Effect of Approval. Any authorization granted to an individual property owner for a wind energy conversion facility shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of said wind energy conversion facility.
- C. Standards for All Wind Energy Conversion Facilities.
 - 1. Illumination. Illumination shall be prohibited, except to accommodate co-installation of parking lot lighting luminaries in accordance with the provisions of Section 6-14 (Performance Standards) of this Title or as required by the Federal Aviation Administration (FAA) or other state or Federal agency of competent jurisdiction.
 - 2. Concealment. All wiring associated with a wind energy conversion facility shall be underground or otherwise concealed to blend or harmonize with the site.
 - 3. Appearance: The facility shall maintain a galvanized neutral finish or be painted to conform the system color to the surrounding environment to minimize adverse visual effects.
 - 4. Signage. No commercial signage or attention-getting device is permitted on any wind energy conversion facility. A sign, not exceeding four (4) square feet in size with a plain white background and black lettering, shall be provided on each wind energy conversion facility which indicates the emergency contact information of the property owner or operator.
 - 5. Noise. Except during short-term events such as utility outage or a severe windstorm, a wind energy conversion facility shall not exceed 55 dBA as measured at the boundary line of a Residential District, and shall in all other respect conform to the noise standards of Section **44.9-12**.
 - 6. Safety. Every wind energy conversion facility shall have an internal automatic braking device to prevent uncontrolled rotation or over speeding.
 - 7. Decommissioning. Any abandoned or non-functioning wind energy conversion facility shall be removed by the owner within one hundred twenty (120) days of the day on

which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.

D. Private Wind Energy Conversion. Private wind energy conversion facilities shall be accessory to the principal permitted use of the site, subject to the following conditions:

1. Roof-mounted Systems

- a) Location. Roof-mounted systems shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and shall not be affixed to the parapet or chimney of any structure.
- b) Height. The height of a roof-mounted system is measured from the roof surface on which the system is mounted to the highest edge of the system. The total height of a roof-mounted private wind energy system shall not exceed ten (10) feet above the roof height or ten (10) feet above the maximum permitted height of the zoning district, whichever is less.
- c) Quantity. One turbine is allowed for every seven hundred fifty (750) square feet of the combined roof area of all structures on a zoning lot. For a pitched roof, each surface of the roof shall be included in the roof area calculation.

2. Freestanding Systems

- a) Location. A freestanding system shall not be located within the required front yard or corner side yard or in any utility easement, and shall be set back a distance equal to one and one tenth (1.1) times the system height from the base to all property lines, third party transmission lines, overhead electric distribution systems, public sidewalks and public rights of way.
- b) Height. The height of a freestanding wind energy conversion facility shall not exceed one hundred (100) feet in a Manufacturing District, or sixty (60) feet in an Agricultural, Business or Public Interest District, as measured from grade at the base of the pole to the highest edge of the system.
- c) Clearance. The minimum clearance between the lowest tip of the rotor or blade and the ground shall be fifteen (15) feet.
- d) Access. Climbing access (rungs or foot pegs) shall be located no closer than twelve (12) feet from the ground at the base of the tower.

E. Commercial Wind Energy Conversion.

- 1. Site Plan. Site plan approval shall be required pursuant to Section 44.18-12 of this Code. In addition to the stated site plan requirements, the site plan shall also indicate the following:
 - a) Site size in acres;
 - b) Existing physical features (e.g., drainage easements, streams, and wetlands);
 - c) Location of all proposed towers, other structures, service roads, and support equipment;
 - d) Existing and finished grading plan of the site at two (2) foot contour intervals;
 - e) Location of all areas to be disturbed by the construction of the proposed project including access routes, trenches, grading and staging areas;

- f) Drainage plan indicating direction of run-off flow, location of catch basins and water retention and/or detention areas;
 - g) A post-installation erosion control, revegetation, and landscaping plan;
 - h) Elevations of the components of the proposed facility;
 - i) Visual Simulations. Visual simulations taken from off-site views, including from adjacent properties, as determined by the Director of Community Development, shall be submitted which illustrate the site location after installation of the proposed towers.
 - j) Acoustical Analysis. The Director of Community Development may require a project-specific acoustical analysis, which shall be prepared by a qualified professional at the expense of the applicant. The study shall simulate the proposed wind energy conversion installation to assure acceptable noise levels and, if necessary, provide measures to comply with applicable noise standards.
 - k) Wind Measurement Study. The Community Development Director may require a wind resource assessment study, which shall be prepared by a qualified professional at the expense of the applicant. The study shall be performed for a minimum 6-month period at the proposed site during prime wind season. The study may require the installation of a meteorological tower, erected primarily to measure wind speed and directions plus other data relevant to appropriate siting.
- 2. Location. A commercial wind energy conversion facility shall be set back a distance equal to two (2) times the system height from the base of the tower to all property lines, third party transmission lines, overhead electric distribution systems, public sidewalks and public rights of way.
 - 3. Minimum Lot Size. The minimum required lot size for any commercial wind energy conversion facility shall be five (5) acres
 - 4. Height. The height of the facility shall not exceed two hundred (200) feet as measured from the base of the tower to the highest edge of the system.
 - 5. Clearance. The minimum clearance between the lowest tip of the rotor or blade and the ground shall be thirty (30) feet.
 - 6. Access. If a climbing apparatus is present on a tower, access control shall be provided by one of the following means:
 - a) Tower-climbing apparatus located no closer than twelve (12) feet from the ground at the base of the tower;
 - b) A locked anti-climb device installed on the tower; or
 - c) A locked, protective fence at least six feet in height that encloses the tower

44.10-37 – WIRELESS COMMUNICATION FACILITIES

(forwarded to John under separate cover for attorney review)

BLOOMINGTON ZONING ORDINANCE – DIVISION 11

DIVISION 11. NONCONFORMING BUILDINGS AND USES

44.11-1 – Purpose and Intent

44.11-2 – Nonconforming Buildings and Structures

44.11-3 – Nonconforming Uses of Land

44.11-4 – Nonconforming Lots

44.11-5 – Discontinuance of Use

44.11-6 – Damage and Destruction

44.11-7 – Repairs and Alterations

44.11-1 – PURPOSE AND INTENT

- A. Existing lots, buildings, structures and uses of land that were lawfully established and have subsequently been prohibited, regulated or restricted under the adoption or amendment of this Code, shall be considered nonconforming. If within the districts established by this Code or amendments that may later be adopted there exist lots, buildings, structures, uses of land and/or buildings, and characteristics of use which were lawful before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code, it is the intent of this Code to permit these nonconformities to continue until they are removed but not to encourage their survival under the terms of this Code. It is further the intent of this Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- B. Nonconforming uses are declared by this Code to be incompatible with permitted uses in the districts involved in which they are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming lot, building, structure or use ~~of a structure and land in combination~~ shall not be extended or enlarged after passage of this Code by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved.
1. Authority to Continue. It is the intent of this Division to permit nonconforming lots, buildings, structures, and uses to continue, within the parameters established in this Division, until they are removed, but not to encourage their continued use or survival.
 2. No Expansion. It is the intent of this Division that nonconforming lots, buildings, structures, and uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this Division.
 3. Construction Prior to Effective Date of this Chapter. To avoid undue hardship, Nothing in this Code shall be deemed to require a change in the plans, construction or designated

use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.

4. Acquisition of Nonconformities. The City may acquire, through purchase or condemnation, private nonconforming lots, buildings, structures, and uses. The City Council may take action in the manner provided for by law.

44.11-2 –NONCONFORMING BUILDINGS AND STRUCTURES

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Code that ~~could not be built under~~ does not conform to the terms of this Code by reason of restrictions on the area, lot coverage, height, yards, its location on the lot, or other zoning requirements concerning the structure, such structure may be continued, regardless of any change in tenancy, ownership, or management, so long as it remains otherwise lawful, subject to the following provisions:

~~If lawful use involving individual structures with a fair cash market value of One Thousand Dollars (\$1,000) or more or of structure and land in combination exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions: Except as otherwise provided in this Division, any nonconforming lot, building, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued, regardless of any change in tenancy, ownership, or management, so long as it remains lawful subject to the following provisions:~~

1. ~~No existing~~ A nonconforming building or structure ~~devoted to a use not permitted by this Code in the district in which it is located~~ shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in a manner that conforms to the requirements of this Zoning Ordinance changing the use of the structure to a use permitted in the district in which it is located;
2. ~~No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any~~ A nonconforming building, structure or portion thereof may be altered to decrease its nonconformity;

44.11-3 – NONCONFORMING USES OF LAND

- A. ~~Where at the time of passage of this Code or subsequent more restrictive amendment thereto, a lawful use of land exists which would not be permitted by the regulations imposed by this Code, the use~~ A nonconforming use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;
2. ~~Any~~ nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building
3. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code;
4. ~~If any such nonconforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located; and~~
5. ~~No additional structure not conforming to the requirements of this Code shall be erected in connection with such nonconforming use of land.~~
6. ~~If no structural alterations are made, any~~ A special use permit may be granted authorizing the change of a nonconforming use ~~of a structure, or structure and land may as a special use be changed~~ to another nonconforming use, provided that the City Council, after a public hearing by the Bloomington Board of Zoning Appeals, shall find that the proposed use ~~is less nonconforming or~~ more compatible to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Code.

44.11-4 -- NONCONFORMING LOTS

Any lot of record at the effective date of adoption or amendment of this section may be used for any principal permitted use in that district, even though such lot does not conform to the area or width requirements of the district in which it is located. Any new structure erected on such a lot shall conform to the yard dimensions and other requirements of the district in which it is located.

44.11-5 – DISCONTINUANCE OF USE

- A. Whenever any building, structure or land occupied by a non-conforming 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 non-conforming use. ^(SEP)
- B. When a nonconforming use of a structure, ~~or structure and premises in combination,~~ is discontinued ~~or abandoned~~ for any reason for a continuous period of one (1) year, such use shall not be re-established and the use of the premises shall thereafter conform to the requirements of this Code.
- C. Where no enclosed building is involved, discontinuance of a nonconforming use for a continuous period of six (6) months shall constitute abandonment, and the use of the premises shall thereafter conform to the requirements of this Code.
- D. When a structure containing a nonconforming use is damaged to an extent exceeding fifty percent (50%) of its gross floor area or replacement value ~~six (6) consecutive months or for~~

~~eighteen (18) months during any three (3) year period, the nonconforming use shall not be re-established and the premises structure, or structure or premises in combination, shall not thereafter be used except in conformity with conform to the requirements of this Code the regulations of the district in which it is located.~~

44.11-6 – DAMAGE AND DESTRUCTION

- A. ~~Should such~~ When a nonconforming structure or nonconforming portion of a structure ~~be is~~ destroyed by any means to an extent ~~of more than exceeding~~ fifty percent (50%) of its gross floor area or replacement cost fair cash market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code; ~~Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of its fair cash market value at the time of destruction.~~
- B. ~~This~~ The provisions of this sub-part Section shall not be applicable under the following two (2) sets of circumstances:
1. When government action impedes access to the premises; ~~and~~
 2. When the conversion of a structure originally designed as a single-family dwelling is restored to such a dwelling pursuant to Section **44.9-2 D.**

44.11-8 – REPAIRS AND ALTERATIONS

- A. The ordinary repairs and maintenance of a nonconforming building or structure or a building containing a nonconforming use is permitted, including necessary non-structural repairs and incidental alterations that do not extend or intensify the nonconformity.
- B. No structural alteration shall be made to a nonconforming building or structure, or in a building containing a nonconforming use, except in the following situations:
1. When the alteration is required by law;
 2. When the alteration will result in elimination of the non-conformity;
 3. When a building in a residential district will be altered in a way to improve life safety or livability, provided that the structural alteration will not increase the number of dwelling units nor enlarge or expand the building.

~~On any nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be made to an extent not to exceed fifty percent (50%) of the fair cash market value of the nonconforming structure in its current condition provided that the cubic content existing when it became nonconforming shall not be expanded.~~

BLOOMINGTON ZONING ORDINANCE – DIVISION 12

DIVISION 12. OFF-STREET PARKING AND LOADING

44.12-1 – Purpose and Intent

44.12-2 – Applicability

44.12-3 – General Provisions

44.12-4 – Shared Parking Facilities

44.12-5 – Location and Yard Requirements

44.12-6 – Parking Area Design Standards

44.12-7 – Drive-Through Facilities

44.12-8 – Off-Street Parking Requirements

44.12-9 – Other Parking Uses

44.12-10 – Loading Design Standards

44.12-11 – Off-Street Loading Requirements

44.12-12 – Bicycle Parking Requirements

44.12-13 – Mobility and Circulation

44.12-1 – PURPOSE AND INTENT

The ~~following regulations are established~~ purpose of this section is to establish standards for off-street parking, loading, and site circulation in order to increase safety and ~~lessen~~ reduce congestion in the streets, ~~to prevent the deficiency of motor~~ ensure adequate vehicle parking ~~and circulation areas~~ spaces associated with the development of land, ~~and increased motor vehicle usage, to set standards for the required off-street parking and loading, and to eliminate the on-street storage of motor vehicles,~~ accommodate all surface transportation users, and avoid negative environmental and urban design impacts that can result from parking lots and other vehicular use areas.

44.12-2 – APPLICABILITY

The off-street parking and loading standards of this Section shall apply to any use or building hereafter established, erected, or substantially altered or enlarged; or any parking lot hereafter installed in the City of Bloomington.

A. Existing Structures and Facilities.

1. All uses established after the effective date of this Ordinance shall provide off-street parking and loading space in accordance with the standards set forth in this section. ^[SEP]
2. No existing use shall be deemed nonconforming solely due to the lack of off-street parking, loading or site circulation facilities required by this Section; provided, that facilities being used for off-street parking, loading and site circulation as of the date of adoption of the ordinance codified in this title shall not be reduced in number to less than

that required by this Section and shall be provided in compliance with this Section as required herein.

- B. **Damage or Destruction.** When any building, structure, or use is damaged or destroyed by fire, collapse, explosion or other cause, and is reconstructed, re-established or repaired in like kind to its previous use and extent, off-street parking or loading facilities restored and continued in operation after being damaged or destroyed by fire, collapse, explosion or other cause to the extent that the cost of restoration exceeds fifty percent (50%) of its fair market value at the time of such damage or destruction, there shall be provided the off-street parking and loading facilities required by this Code. When any building, structure or use which is in existence on the effective date of this Code is restored and continued in operation after being damaged or destroyed by fire, collapse, explosion, or other cause to the extent that the cost of restoration does not exceed fifty percent (50%) of its fair market value at the time of such damage or destruction, there shall be required only off-street parking and loading facilities equivalent to any those maintained at the time of such damage or destruction shall be provided. However, in no case shall it be necessary to restore or maintain off-street parking or loading facilities in excess of those required by this Code.
- C. **Enlargement, Expansion or Change in Use.**
1. Whenever the existing use of a building or structure erected prior to the effective date of this Code is changed to a new use, or the building or structure is enlarged or expanded, additional off-street parking or loading facilities conforming to the standards of this Division shall be required for such use. Enlargement or expansion shall be interpreted to include any of the following only in the event the:
 - a) The addition of new floor area;
 - b) Increased occupancy loads as determined by the Fire Marshal;
 - c) Increase in the number of dwelling units, or some other factor affecting off-street parking requirements is increased, and then only to the extent required by the additional floor area, seating capacity, number of dwelling units, or other factor affecting the parking requirements.
 2. Minor Expansion. When the floor area of a structure is expanded by less than twenty percent (20%), additional parking, loading and bicycle facilities for the new or expanded portion of the structure is required.
 3. Major Expansion. When the floor area of a structure is expanded by twenty percent (20%) or more, the total structure shall require conformance with all provisions of this Division.
 4. Any area designated as required off-street parking or loading shall not be changed to any other use unless and until equal facilities that meet the standards of this Division are provided elsewhere, or the parking requirements of the site have changed as determined by the Director of Community Development.
- D. **Temporary Encroachments.** Temporary encroachments into required parking spaces for a seasonal sales display area may be authorized by the Community Development Director for up to 90 days during a calendar year, if the Director determines that adequate parking is available to meet the demand during the period of encroachment.

E. Permissive Parking and Loading Facilities.

1. ~~Nothing in this Section shall be deemed to prevent~~ The voluntary establishment of off-street parking and loading facilities is permitted to serve any existing use of land or buildings, provided that there is adherence to all regulations herein governing the location, design, and operation of such facilities and provided that such parking or loading facilities do not exceed the requirements of this Section by more than twenty-five percent (25%).
2. The voluntary provision of off-street parking or loading that exceeds twenty-five percent (25%) of the requirements of this Section may be approved through Site Plan Review procedures, if a determination is made that such facilities are needed based upon a parking demand study provided by the applicant.

44.12-3 – GENERAL PROVISIONS

- A. Use of Off-Street Parking, Stacking, and Loading Areas. Required off-street parking, stacking and loading spaces ~~accessory to uses listed in this Code~~ shall be designated solely for the purposes specified herein. ~~parking of passenger motor vehicles of occupants, patrons, visitors, or employees or motor vehicles used in a permitted home occupation.~~ Each required off-street parking space shall be kept available at all times for parking of one (1) motor vehicle.
- B. Parking and Loading Area Plan. No application for a building permit for a new, enlarged, or altered structure or improvement shall be issued, unless there is included with the application a plan showing the location, layout, and critical dimensions of all off-street parking, loading and pedestrian facilities, including bicycle racks where required. Such plan shall be drawn to scale and show vehicular access and circulation patterns.
- C. Construction. Except as otherwise provided in this Division, required off-street parking and loading facilities shall be completed prior to the issuance of the certificate of occupancy for the use they serve.
1. A required parking lot shall be fully constructed within six (6) months of receipt of a building permit and prior to the issuance of a Building Certificate of Occupancy for the use or uses it serves. The Planning Director may grant one (1) extension for up to an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner or responsible person.
 2. In the case of phased development, off-street parking, stacking and loading areas shall only be provided for the portions of the development for which a site plan has been approved or upon receipt of a temporary use permit for a surface parking lot.
- D. Lighting. All off-street parking areas regulated by this Code shall have operational lighting fixtures directed away from residences in such a way as not to create a nuisance and in compliance with **Section 44.9-12** of this Code.
- E. Storage of Camping and Recreational Equipment. Any owner of camping and recreational equipment or domestic utility trailer may park or store such camping and recreational equipment or utility trailer in a Residential District subject to the following conditions:

1. At no time shall such parked or stored camping and recreational equipment be occupied or used for dining, sleeping or housekeeping purposes while parked or stored in a residence district except for a period of not to exceed fourteen (14) days in one calendar year, provided, however, that such mobile home, travel trailer, pickup coach, motor-home or camping trailer may be used for only for sleeping purposes during such fourteen (14) day period;
2. During the period from September 15th through April 15th, if the recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the principal structure on the lot;
3. However, such camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed twenty-four (24) hours per episode.
4. Recreational equipment or domestic utility trailer must be parked a minimum of three (3) feet from a side or rear yard lot line.
5. If parked from April 16th through September 14th to the front of the front building line of the principal structure on the property, recreational equipment must be on a hard surface as defined in Section 44.3-2 of this Code.
6. If the recreational equipment is a self-propelled vehicle that is not stored on a trailer (such as a motor-home), it must be parked on a hard-surface whether it is parked to the front or rear of the front line of the principal structure on the property. Camping trailers, domestic utility trailers, boats on trailers, and other items of recreational equipment stored on trailers need to be a compacted surface, as defined by **Section 44.3-2** of this Code, if such recreational equipment is stored or parked to the rear of the front building line of the principal structure on the property.

F. Maintenance.

1. All parking, loading and circulation areas shall be maintained free of dust, trash, weeds and debris. Surfacing, curbs, walkways, light fixtures, signs, and related appurtenances shall be maintained in good repair and safe condition at all times.
2. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
3. All off-street parking, stacking and loading areas required by this Division shall be maintained free of accumulated snow or standing water that prevents full use and occupancy of the areas, except for temporary periods of heavy rainfall or snowfall not to exceed five (5) days.

44.12-4 – SHARED PARKING FACILITIES

A. ~~Collective Provision of Shared~~ Parking .

1. Purpose. Shared parking is encouraged as a means of conserving land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

2. Authorization. Shared parking facilities for off-street parking of two (2) or more buildings or uses may be approved by the Community Development Director subject to compliance with this Section.
3. Location.
 - a) Shared parking facilities for residential uses shall be located within three hundred (300) linear feet of the primary entrance of the main building.
 - b) Shared parking facilities for all other uses shall be located within five hundred (500) linear feet of the primary entrance of the main building.
 - c) A shared parking facility shall only be authorized in a Residential District if it serves one or more residential uses exclusively.
4. General Requirements.
 - a) The number of parking spaces provided shall not be less than the sum of the separate requirements for each such building or use. ~~Where a mix of two (2) or more land uses creates staggered peak periods of parking demand due to different hours of operation, shared parking agreements that have the effect of reducing the total amount of required parking may be approved.~~
 - b) Accessible parking spaces for persons with disabilities may not be shared and shall be located on-site.
 - c) Adjacent lots that are subject to a shared parking agreement shall be interconnected by provision of cross-access for vehicular passage.
~~Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the number of parking spaces provided shall not be less than the sum of the separate requirements for each such building or use subject to Section 44.7-2 A. of this Code. (Ordinance No. 2006-137)~~
5. Shared Parking for Uses with Different Hours of Operation.
 - a) For purposes of this Section, the following uses are considered daytime uses:
 1. Customer service, professional and administrative offices;
 2. Retail sales uses, except eating and drinking establishments, hotels and motels, and entertainment-related uses;
 3. Warehousing, wholesaling, and freight movement uses;
 4. Manufacturing, production and industrial service uses; and
 5. Other similar primarily daytime uses, as determined by the Community Development Director.
 - b) For purposes of this Section, the following uses are considered evening or Weekend uses:
 1. Auditoriums accessory to public or private schools;
 2. Places of worship;
 3. Entertainment-related uses, such as theaters, bowling alleys, and dance halls; and
 4. Other similar primarily nighttime or Sunday uses, as determined by the Community Development Director.

- c) The applicant(s) shall demonstrate, through a shared parking analysis, that there is no substantial conflict in the principal operating hours or peak periods of parking demand of the uses for which shared parking is proposed.
- 6. Shared Parking Study. The applicant(s) shall submit a shared parking analysis that demonstrates the feasibility of shared parking. The study shall include, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces. If existing land uses are to be included in the shared parking agreement, the study shall also include parking counts that document parking occupancy during weekday, weekend, daytime and evening periods of peak and off-peak parking demand.
- 7. Agreement. The applicant(s) shall provide a copy of the executed shared parking lease or agreement prior to the city's authorization of a shared parking facility.
 - a) Shared parking leases or agreements shall have a term of not less than five (5) years, including any renewals at the option of the lessee.
 - b) Authorization of the shared parking facility will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required by this Section.
- G. On-Street and Public Parking
 - 1. In a Business or Public Interest District, the use of adjacent on-street parking or publicly-owned parking facilities to meet a portion of the minimum off-street parking requirements shall be permitted, provided the following conditions are met:
 - a. On-street spaces are located adjacent to the property or public parking facilities (i.e., public lots or parking structures) are located within five hundred (500) linear feet of the primary entrance of the main building;
 - b. No more than fifty (50) percent of the off-street parking requirement provided through on-street spaces, public lots or parking structures;
 - c. The intensity of the use and its parking requirements will not have a substantial adverse impact to surrounding uses; and
 - d. There is no negative impact to existing or planned traffic circulation.
 - 2. A parking demand study may be required to demonstrate that adequate available spaces exist on street or in a public parking facilities.

44.12-5 – LOCATION AND YARD REQUIREMENTS

- A. Parking spaces required for all non-residential and multi-family uses shall be located on the same lot or an adjoining lot, provided however, that where ten (10) or more parking spaces are required, such parking spaces may be provided in a shared parking facility subject to requirements of sub-section 44.12-4 ~~on a lot located not more than five hundred (500) feet from the lot requiring said parking. Such lot shall be owned by the owner of the use requiring the parking;~~
~~No parking spaces permitted by (a) above shall be located in a Residential District.~~
- B. ~~Accessory~~ Off-street parking spaces uses shall be located on a lot as follows:

1. All new and approved ~~accessory~~ off-street parking spaces and driveways shall be located at least three (3) feet from any side lot line.
2. ~~In all other districts~~ No off-street parking spaces shall be permitted in the required front yard or required front transitional area, except on approved driveways unless otherwise provided in this Code.
3. Where ten (10) or more parking spaces are required, off-street parking areas shall be located a minimum distance of six (6) feet from the property line to accommodate a landscaped perimeter as provided in Division 13.
4. ~~All~~ Legal nonconforming driveways may be reconstructed, but not expanded, at their existing location.
5. Residential driveways shall comply with standards contained in Section 44.4-4 C of this Code.

44.12-6 – PARKING DESIGN STANDARDS

A. Access.

1. All off-street parking, stacking and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
2. Each required parking space shall open directly upon an aisle, ~~a or~~ driveway, ~~driving area, or a public way~~ of such width and design as to provide safe and efficient means of vehicular access and egress ~~to such parking space at all times~~. Except for driveways serving single-family and two-family dwellings, access to a parking space shall not require backing across a street property line or re-entering a public right-of-way.
3. Off-street parking areas with three (3) or more required spaces shall be configured so that a vehicle may enter and leave a parking space without moving another vehicle. Tandem parking may be approved for valet parking and similar purposes pursuant to Site Plan Review procedures.
4. Access to an off-street parking area that serves a nonresidential use shall not be permitted across lots that are residential in use or located in a Residential District.
5. Where the parking area of a corner lot abuts an alley or a corner side street, access to the parking area shall be obtained from the alley or corner side street. Alternate access from a primary street may be approved through Site Plan Review procedures if a determination is made that it is infeasible to fulfill this standard.
6. On any parcel, curb cuts for access to right-of-way shall be separated by minimum linear distance of one hundred twenty-five (125) feet. Reduced separation of curb cuts may be approved through Site Plan Review procedures if a determination is made that it is infeasible to fulfill this standard.

B. Large Parking Lots (200 or more parking spaces)

1. Primary drive aisles shall be designed to appear as an extension of the public street network, extending the full length of the main building façade(s).
2. Large off-street parking lots shall be designed to simulate a grid pattern through the placement of landscape islands, buildings, and drive aisles.
3. Block lengths within the grid should not exceed six hundred (600) linear feet between the centerlines of intersecting streets or primary drive aisles. In cases where a block length

exceeds six hundred (600) feet due to topography, natural features or other physical constraints, sidewalks shall be provided mid-block to connect parallel streets or drive aisles.

C. Wheel Curbs and Vehicle Stops.

1. All off-street parking lots, access drives and aisles, and other vehicle maneuvering areas shall provide perimeter curbs.
2. Off-street parking stalls shall provide curbs, vehicle stops or similar devices to prevent vehicles from overhanging on or into public right-of-way or adjacent property, structures, fences or screens.
3. Vehicle stops shall be located two and a half (2.5) feet from a fence or wall.
4. When a parking space abuts a landscaped area, the front two (2) feet of the parking space may overhang a landscaped area.
5. A parking space may overhang a walkway by up to two (2) feet, provided that curbs or vehicle stops are installed to ensure that a minimum five (5) foot walkway clearance is maintained. ~~open off-street parking areas that have parking spaces abutting a property line or building or some other structure shall be required to have wheel stops of masonry, steel, heavy timber, or other material sufficient to prevent the protrusion of vehicles over property lines or into buildings, fences or required screens.~~

D. Defined Areas. Off-street parking areas of three (3) or more spaces and off-street loading areas shall include painted lines, curbs, vehicle stops or other similar identifiers to delineate parking and loading areas.

E. Accessible Parking. Parking lots shall provide accessible parking spaces for persons with disabilities in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable. The provision of accessible parking shall count toward fulfillment of off-street parking requirements.

F. Surfacing Requirements.

1. Parking Lots. All off-street parking, stacking, and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material as approved by the City Engineer. Surfaces such as pervious asphalt, pervious concrete, or turf blocks are permitted; subject to the requirements of this Chapter and other City policies pertaining to stormwater management.
2. Driveways.
 - a) Driveways leading to parking lots of ten (10) parking spaces or more shall conform to the requirements of Section 44.12-6 D.1. of this Code.
 - b) Aprons on all driveways shall conform to the following standards:
 1. A one and one-half inch (1½") bituminous concrete surface on a four inch (4") base of bituminous aggregate mix; or
 2. A two inch (2") bituminous concrete surface on an eight inch (8") base of crushed gravel or crushed stone; or
 3. A six inch (6") Portland cement concrete or five inch (5") reinforced with wire mesh or structural equivalent of any of the foregoing as determined by the Community Development Director.

G. Drainage.

1. All parking lots shall be sloped and/or drained ~~so as~~ to prevent surface water from such lots from running onto adjoining property in unreasonable volumes.
2. All ramped parking lots and unramped parking lots containing ~~in excess of~~ ten (10) or more parking spaces shall dispose of surface water in one or more of the following methods when approved by the City Engineer:
 - a) Surface drainage across sidewalks, if any, onto adjacent public right-of-way, unless such drainage would either:
 1. Cause flooding of the adjacent public right-of-way; or
 2. Flow longitudinally along any sidewalk adjacent to such lot or otherwise impair pedestrian use of such sidewalk;
 - b) Use of inlets and storm sewer facilities capable of draining the lot from a storm of five (5) year magnitude or greater;
 - c) Retention of water on the premises;
 - d) Underground drainage across other private property to an approved outlet.
3. ~~All ramped parking lots shall be equipped with the facilities described in Section 44.7-2 G.3. above.~~

H. Dimensional Standards

1. ~~Off-street parking spaces shall be shall be designed in accordance with Table 44.12-6 I Dimensional Standards for Parking Spaces and Aisles.~~
2. ~~All parking spaces shall have a minimum vertical clearance of seven (7) feet.~~
3. ~~Compact spaces. Up to thirty percent (30%) of all provided parking spaces may be compact vehicle parking spaces. Dimensions for compact spaces are shown in Table 44.12-6 X.~~
4. All parking spaces and aisles shall comply with the following minimum requirements.

TABLE 44.12-6 I. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

	0° (PARALLEL)		45°		60°		90°	
	typical	<u>compact</u>	typical	<u>compact</u>	typical	<u>compact</u>	typical	<u>compact</u>
A - Width of Aisle: One-Way	<u>11'</u>	<u>11'</u>	<u>13' 12'</u>	<u>12'</u>	<u>18' 16'</u>	<u>16'</u>	<u>25' 20'</u>	<u>20'</u>
B - Width of Aisle: Two-Way	<u>12'</u>	<u>12'</u>	20'	<u>19'</u>	20'	<u>19'</u>	24'	<u>23'</u>
C - Width of Space	<u>9' 8.5'</u>	<u>8'</u>	<u>9' 8.5'</u>	<u>8'</u>	<u>9' 8.5'</u>	<u>8'</u>	<u>9' 8.5'</u>	<u>8'</u>
D - Depth of Space	<u>20'</u>	<u>20'</u>	<u>20' 19'</u>	<u>18'</u>	20'	<u>19'</u>	<u>20' 18'</u>	<u>17'</u>

(insert diagram)

44.12-7 – DRIVE-THROUGH FACILITIES

- A. Purpose. Stands for drive-through facilities are provided to ensure safe site circulation and adequate vehicle queuing at drive through facilities. These standards are applied in addition to all other applicable standards of this Code.
- B. Location.

1. Drive-through facilities shall not be located closer than one hundred twenty (120) feet of a Residential District boundary.
2. Drive-through facilities, inclusive of stacking lanes, shall be located to the side or rear of a principal structure and shall not extend beyond the front building wall. Alternate placement of the drive-through facility may be approved through Site Plan Review procedures if a determination is made that it is infeasible to fulfill this requirement

C. Access.

1. Drive-through stacking lanes shall be separated from driveways and drive aisles.
2. Access to queuing lanes shall in no way inhibit ingress or egress to the building or any off-street parking area, inhibit the flow of traffic throughout and within the off-street parking area, or encroach upon any public rights-of-way.
3. The stacking lane shall be designed to accommodate at least the minimum number of stacking spaces required for each use.
4. Stacking lanes and egress for drive-through facilities shall not cross or pass through pedestrian walkways.
5. A bypass lane shall be provided.

D. Dimensional Standards.

1. Stacking lanes for drive-through facilities shall have the following minimum lane widths:
 - a) One lane: twelve (12) feet
 - b) Two (2) or more lanes: ten (10) feet per lane.
 - c) Bypass lane: ten (10) feet
2. The minimum depth of each space in the stacking lane shall be twenty (20) feet.

- B. Management. A property owner shall not allow vehicle stacking to overflow into primary drive aisles or any public street. As needed to contain drive-through activity on site, management of drive-through facilities may require additional attendants, designation of vehicle waiting and pick up areas, or other measures to ensure safe vehicle and pedestrian circulation.

C. Stacking Standards

1. For any drive-through facility, a minimum of two (2) queuing spaces shall be provided per bay, unless otherwise required by Table 44.12-7 C.
2. Unless otherwise indicated, minimum vehicle queuing is required per lane or bay.
3. Spaces located adjacent to a point of service, such as a window or car wash bay, shall not count toward compliance with queuing requirements.

Table 44.12-7 C. DRIVE-THROUGH QUEUING REQUIREMENTS	
<u>Use Type</u>	<u>Minimum Vehicle Queuing</u>
<u>Financial Services</u>	<u>6 total; may be reduced to 3 per lane if more than one window or bay is provided</u>
<u>Car Wash</u>	<u>7</u>
<u>Specialty Food – Coffee Shops</u>	<u>10</u>
<u>Restaurant</u>	<u>8</u>
<u>Pharmacy</u>	<u>3</u>

- D. Site Plan Review. Modifications to drive through requirements may be approved through Site Plan Review if a determination is made that such modification would be appropriate due to site constraints or queuing demand experienced by a particular use, based upon an independent study that analyzes peak and off-peak vehicle queuing, vehicle turnover, and data (queuing counts) collected from the same or comparable use in terms of density, scale, bulk, area, type of activity and location.

44.12-8 – OFF-STREET PARKING REQUIREMENTS

- A. Minimum Requirements. Except as otherwise expressly provided herein, off-street parking spaces shall be provided in accordance with the parking ratio requirements of Table 44.12-8 E.
- B. Parking Demand Study. For the purposes of determining required parking for an unlisted use or in consideration of application for shared or reduced parking, the Community Development Director may require the submittal of an independent parking demand study that analyzes parking demand based on the parking generation standards of the Institute of Traffic Engineers (ITE) or Urban Land Institute (ULI), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity and location.
- C. Exemptions.
1. When the application of the off-street parking regulations specified hereinafter results in a requirement of not more than three (3) parking spaces for any ~~commercial or business~~ non-residential use, such parking spaces need not be provided. However, where two (2) or more uses are located on a single lot, only one (1) of these uses shall be eligible for the above exemption. In no instances shall this exemption apply to dwelling units.
 2. The minimum number of off-street parking spaces required by Table 44.12-8 E of this Code shall ~~not be required~~ waived for non-residential uses in the D-1 Central Business District established by Section 44.5-1 of this Code.
- D. Computation. The following rules apply when calculating the required number of parking spaces:
1. Multiple Uses. Unless otherwise expressly stated, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all use categories.
 2. Fractions. When computation of the required number of off-street parking spaces results in a requirement of a fractional space, a fraction of less than one-half (½) shall be disregarded and a fraction of one-half (½) or more shall counted as one (1) space.
 3. Occupancy or Capacity-Based Standards. When computation of the required number of off-street parking spaces is based upon employees, students, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces. ~~the number of~~

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

- ~~employees, the word "employed" shall refer to the maximum number of employees on duty at any one (1) time.~~
4. Floor Area. Where floor area is the unit of measurement to determine the required number of off-street parking and loading spaces, Gross Floor Area (GFA) shall be used. For the purposes of calculating required parking, designated outdoor dining, seating and sales areas shall be applied toward the floor area.
 5. Bench Seating. In calculating bench seating for places of assembly, each continuous four (4) foot segment of benches, pews or other similar seating shall be counted as one (1) seat.
 6. Unlisted Uses. Upon receiving a development application for a use not specifically listed in Table 44.12-8 I, the Community Development Director is authorized to apply the parking ratio specified for the listed use that is deemed most similar to the proposed, or establish a different minimum parking requirement on the basis of a Parking Demand Study.
 7. Stalls. Where vehicle stalls are used as a measurement, all calculations shall be based on the number of service bays, garage door openings or booths.
- E. The minimum number of motor vehicle parking spaces shall be provided in accordance with Table 44.12-8 E Motor Vehicle Parking Space Requirements below.

TABLE 44.12-8 E. OFF-STREET PARKING REQUIREMENTS		
Use Category	Specific Use	General Requirement
AGRICULTURAL		
Agriculture	Aquaculture, aquaponics, hydroponics; horticultural services; medical marijuana cultivation; animal breeding services; fish hatcheries; poultry hatcheries	1 space per 600 GFA
	All other agricultural	<u>None</u>
Forestry	All forestry	<u>None</u>
RESIDENTIAL		
Household Living	Dwelling, single-family	<u>2 spaces per dwelling unit</u> 1 space per unit
	Dwelling, single-family attached; two-family; multiple-family; live/work	<u>1.5 spaces per efficiency or one bedroom dwelling unit;</u> <u>2 spaces per 2 or more bedroom dwelling units</u> 2 spaces per unit
	Mobile homes	2 spaces per unit
	Dwelling, accessory	<u>1 space per unit</u>
Group Living	Agency-operated family homes	<u>2 spaces per home shall be required on the lot</u>
	Agency-operated group homes, agency supervised homes	1 space for every 3 occupants, but not less than 3 spaces.
	Group homes for parolees	1 per 400 GFA
	All other group living uses	<u>1 space per 2 beds</u> <u>One and One-half spaces for each dwelling unit, plus one space for each employee on the maximum shift, and providing further than not less than</u>

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

		ten (10) percent of all spaces are to be reserved for handicapped parking.
INSTITUTIONAL		
Education	Preschools	1 space per 250 GFA
	High schools	<u>1 space per 4 seats in main assembly area, but not less than 5 per classroom</u>
	Boarding schools	<u>Determined by Community Development Director</u>
	All other public and private schools	<u>1 space per 4 seats in main assembly area, but not less than 1 per classroom</u>
	Business and trade schools, college/university satellite classrooms	<u>The greater of 1 space per 200 feet or 1 space per 4 seats</u> 1 space per 400 GFA
	College/university campus or facilities	<u>Determined by Community Development Director</u>
Government	Animal detention facilities	<u>1 space per 400 GFA</u>
	Government services and facilities	1 space per 200 GFA
	Military bases, depots, communications facilities	1 per 300 GFA
	Police stations, fire stations	<u>Determined by Community Development Director</u>
Health	Ambulatory surgical treatment center	<u>1 space per 250 GFA</u>
	Hospital or medical center	<u>1 space per 2 beds</u>
Religious	Place of worship	<u>The greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area</u>
	Cemetery	<u>Determined by Community Development Director</u>
	Columbarium	1 space per 10 storage cubicles
Residential-Type Institutional	Adult and juvenile detention facilities	1 per 1,500 GFA
	Domestic violence shelter	1 space per 2 beds One (1) parking space per every two hundred fifty (250) square feet of gross floor area
	Home for the aged (assisted living, independent living, memory care, etc.)	1 space per 2 occupants Two spaces for every three dwelling units, plus one space for each employee on the maximum shift, and providing further that not less than ten (10) percent of all spaces are to be reserved for handicapped parking.
	Nursing home	1 space per 3 beds One space for every three beds plus one space for each employee on the maximum shift, and providing further than not less than ten (10) percent of all spaces to be reserved for handicapped parking.
	Clubs and lodges	1 space per 200 GFA
	Food pantry	Off-street parking requirements will be based upon the principal use of

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

Other Institutional and Cultural Uses		the structure containing the food pantry
	Libraries, museums and cultural institutions	1 space per 250 GFA 4 space per 200 GFA
	All other institutional, cultural facilities	<u>Determined by Community Development Director</u>
RECREATIONAL		
Recreational Facilities	Country, golf and swimming clubs	1 space per 200 GFA
	Golf courses	75 spaces for nine (9) hole course; 150 spaces for eighteen (18) hole course
	Community center	The greater of 1 space per 200 GFA or one per 4 occupants at maximum capacity
	Fairgrounds, agricultural exhibits	Spaces equivalent to 30% of peak daily attendance, as adduced from testimony before the Board of Zoning Appeals
	Parks and recreation facilities	<u>Determined by Community Development Director</u>
	Riding stables, riding schools	The greater of 1 space per 200 GFA or 1 per 4 occupants at maximum capacity
	Swimming pools, community	1 per 4 occupants at maximum capacity based upon the State of Illinois Swimming Pool and Bathing Beach Code
COMMERCIAL		
Aircraft and Automotive	Aircraft, farm machinery, vehicle sales and service	1 space per 250 GFA
	Car wash, truck wash	1 space per 200 GFA sales, office, or waiting area.
	Towing services, vehicle salvage and wrecking, vehicle storage	The greater of 1 space per 2,400 GFA or 2 spaces.
	Truck stops, truck plazas, vehicle fueling stations	1 space per 250 GFA
	Vehicle repair and service	3 spaces per service bay One (1) parking space per every two hundred fifty (250) square feet of gross floor area
	Vehicle rental service	<u>1 space per 500 GFA</u>
Amusement Parks	Go-kart and race-kart tracks	The greater of 1 space per 4 seats in the grandstand or viewing area, or 1 per 4 occupants at maximum occupancy.
	All other amusement parks	1 space per 100 GFA activity area
Commercial Recreation	Archery, rifle and shooting ranges	The greater of 2 spaces per target area or 1 space per 200 GFA
	Arcades, game centers	1 space per 2 amusement game machines.
	Bowling establishments	<u>3 spaces per lane</u> Five (5) parking spaces per lane
	<u>Driving ranges</u>	<u>1 space per tee box</u>
	Miniature golf courses	<u>1 space per hole</u>

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

		One-fourth (1/4) of the maximum occupancy load or one (1) parking space for every two hundred (200) square feet or gross floor area, whichever is greater;
	All other commercial recreation	1 space per 300 GFA
Entertainment & Hospitality	Community reception establishments	1.2 spaces per 100 GFA designated for the use.
	Entertainment and exhibition venues	The greater of 1 space per 4 seats or 1 space per 200 GFA
	Sexually oriented entertainment businesses	<u>1 space per 160 GFA</u>
	Sports and fitness establishments	<u>1 space per 200 GFA</u> Twenty (20) parking spaces per court or field, or one (1) space for every four (4) seats, whichever is greater
	Theaters and auditoriums	<u>1 space per 4 seats</u> One fourth (1/4) of the maximum occupancy load or one (1) parking space for every two hundred (200) square feet or gross floor area, whichever is greater
Lodging	Bed & breakfast establishments	2 spaces for the operator; plus 1 space for each bedroom
	Boarding & rooming houses	1 space per 400 GFA
	Camps and camping establishments	<u>2 spaces for managers office</u>
	Hotel or motel	<u>1 space per room, plus 1 space per 200 GFA conference or restaurant area</u> <u>1.25 parking space per guest room plus 1.2 parking spaces per every one hundred (100) square feet of gross floor area of convention facility or other public assembly use (if applicable);</u>
Offices	Financial services	<u>1 space per 300 GFA</u> One (1) parking space per every two hundred fifty (250) square feet of gross floor area
	General offices, business or professional	1 space per 200 GFA area for the first 2000 sq. ft. (minimum of 3 spaces); plus, 1 space per 300 GFA for floor area exceeding 2000 sq. ft.
	Medical or dental office or clinic	1 space per 250 GFA
	Medical or research I laboratory	1 space per 300 GFA
	Printing, copying and mailing services	1 space per 250 GFA
	Recording and broadcast studios	1 space per 160 GFA
Personal Services	Clothing Care: tailor, dry cleaning, coin laundry, shoe repair, etc.	1 space per 250 GFA
	Day care center	1 space per employee
	Funeral parlor, mortuary	1 space per 100 GFA
	Instructional studios	1 space per 160 GFA
	Kennels	1 space per 400 GFA

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

	Personal care: barber shop, beauty salon, day spa, etc.	1 space per 250 GFA
	Veterinary office or clinic; pet care (grooming, day care, training)	1 space per 250 GFA
Retail and Service	Artisanal/craft production and retail	<u>1 space per 250 GFA</u>
	Bars, taverns and nightclubs	1 space per 50 GFA
	Building materials and supplies	<u>1 space per 300 GFA</u>
	Catering services	<u>1 space per 1000 GFA</u>
	Mobile food and beverage vendor	1 space per 100 GFA
	Furniture sales	<u>1 space per 600 GFA</u>
	Restaurants, cafeterias	1 space per 100 GFA
	Restaurant, carry-out only	1 space per 250 GFA
	Restaurant with drive-through	1 space per 50 GFA
	Retail sales	1 space per 250 GFA
	Sexually oriented business	<u>1 space per 160 GFA</u>
	Specialty food shops	<u>1 space per 75 square feet</u>
	Vehicle service, general or limited	<u>3 spaces per service bay</u>
	Vehicle sales and rental	<u>1 space per 500 GFA</u>
INDUSTRIAL		
Manufacturing and Production, Light	Commercial cleaning and repair services	1 space per 250 GFA
	Commercial community kitchen	<u>1 space per 1000 GFA</u>
	Crematories	1 space per 400 GFA
	Trade and construction services	1 space per 250 GFA
	Wholesaling and distribution	1 space per 1,000 GFA
	All other light manufacturing and production uses	1 space per 600 GFA
Manufacturing and Production, Heavy	All heavy manufacturing and production uses	<u>1 space per 1,000 GFA</u> 1 space per 600 GFA
	Sanitary Landfills	<u>Determined by Community Development Director</u>
	All other waste services	<u>1 space per 1,000 GFA</u>
Storage and Equipment Yards	Aircraft, marine craft, petroleum products, and other similar storage.	1 space per 2,400 GFA
	Marinas	1 space per 2 boat slips; plus 1 space per 200 GFA
	Mini Warehouses	<u>1 space per 25 storage lockers plus 2 spaces for manager's office. 1 space per 10 storage cubicles, equally distributed throughout the storage area; 2 spaces for the manager's office (if such office is provided); 1 space per 25 cubicles to be located near the manager's office for the use of prospective clients</u>
	Storage facilities, multi-tenant	1 space per 1,200 GFA
	Storage facilities, single tenant	1 space per 2,400 GFA
	All other storage and equipment yards	<u>Determined by Community Development Director</u>
Transportation	Airports, heliports and landing fields	1 space per 200 GFA
	Passenger terminals	<u>1 space per 400 GFA passenger terminal area</u>

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

		One (1) parking space for every two hundred (200) square feet of gross floor area
	All other transportation facilities	<u>Determined by Community Development Director</u>
Utilities	Electricity or natural gas production plant; nuclear power plant	<u>Determined by Community Development Director</u> The greater of 1 space per 1,200 GFA or 2 spaces.
	Public or private utility facility, minor	<u>For manned facilities, the greater of 1 space per 1,200 GFA or 2 spaces.</u>
	Wireless Communication Facilities	<u>1 space per equipment cabinet for towers.</u>
	All other utility facilities	<u>Determined by Community Development Director</u>

44.12-9 – OTHER PARKING USES

- A. Carpool or Vanpool Vehicles. Parking spaces reserved, signed, and enforced for carpooling or vanpooling services may count as two (2) regular parking spaces.
- B. Car Sharing Services. Parking spaces reserved, signed, and enforced for car-sharing services may count as four (4) regular parking spaces.
- C. Electric Vehicle Charging. Any parking space may be equipped with a power outlet or similar apparatus for electric vehicle charging. Electric vehicle charging stations for public use may provide non-illuminated directional signage, subject to approval by the Community Development Director, to identify the location of charging stations.

44.12-10 – LOADING DESIGN STANDARDS

- A. Purpose. In all Districts, every building occupied by one or more uses that require the receipt or distribution of materials or merchandise by vehicles shall provide and maintain off-street loading spaces as required by this Section.
- B. Location.
 - 1. All required loading berths shall be off-street and shall be located on the same lot as the building to be served.
 - 2. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) street right-of-way lines, ~~nor shall it be located in a required front or side yard.~~
 - 3. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a street.
 - 4. Adjacent to a Residential District, a loading space shall not be located closer than thirty (30) feet to the Residential District line unless it is contained within a completely enclosed building, or enclosed on all sides by a wall or solid fence not less than six (6) feet in height.

5. Loading and unloading activity shall not be permitted in any public right-of-way, except in the D-1 Central Business District, D-2 Downtown Transitional District or D-3 Downtown Warehouse and Arts District as authorized by the Director of Public Works.
- C. Access. Each required loading berth shall be served by appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements as determined by the Director Public Works. Loading/unloading operations shall not interfere with the normal movement of vehicular and pedestrian traffic in public rights-of-way, off-street parking areas or internal drives and sidewalks.
- D. Parking and Loading Area Plan. The vehicular path and turning radii to the loading area must be shown on the Parking and Loading Area Plan that is required pursuant to Section 44.12-3 B. site-plan to verify truck maneuverability for the largest truck intended to serve the use.
- E. Surfacing. All open loading berths shall be constructed with a minimum of eight (8) inches of crushed aggregate base and two (2) inches of bituminous concrete surface or six (6) of P.C. concrete surfaces provided, however, areas in cubicles, the M-1 and M-2 Manufacturing Districts used or designated for the parking of equipment and multiunit trucks may have any eight (8) inch crushed aggregate base and bituminous surface treatment class A-3 approved by the Director of Public Works.
- F. Repair and Service. No storage of any kind, nor motor vehicle repair work or service of any kind, shall be permitted within any required loading berth.
- G. Space Allocated. Space allocated to be required loading berth shall not be used to satisfy any requirement of this Code for off-street parking spaces.
- H. Site Plan Review. Modifications to loading space and location requirements may be approved through Site Plan Review if a determination is made that such modification would be appropriate due to site constraints or the number of deliveries experienced by a particular use.

44.12-11 – OFF-STREET LOADING REQUIREMENTS

- A. Dimensional Standard. A required loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least fourteen (14) feet.
- B. The minimum number of loading spaces shall be provided in accordance with Table 44.12-11 B. Loading Space Requirements below.

Table 44.12-11 B. LOADING SPACE REQUIREMENTS		
Use Type	Size	Loading Space(s)
Residential	<u>0 – 24</u> dwelling units	0-4 None
	<u>> 25 dwelling units</u>	<u>1</u>
Non-Residential	Less than 40,000 <u>20,000</u> GFA	None
	25,000 <u>20,000-39,999</u> 74,999 GFA	2
	40,000 <u>75,000</u> -99,999 GFA	3

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

	≥100,000 GFA	<u>4.5</u>
GFA = Gross Floor Area		

- C. If a single loading space is required, an alley may be used in lieu of the required loading space.

44.12-12 – BICYCLE PARKING REQUIREMENTS

- A. Purpose. This Section is established to ensure provision of bicycle parking facilities in furtherance a safe, complete and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode.
- B. Location.
1. Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
 2. Bicycle racks shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach.
 3. The location of bicycle parking shall not conflict with pedestrian and/or motor vehicle circulation.
 4. Bicycle parking shall be sited within fifty (50) feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage
 5. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five (5) foot walkway clearance is maintained.
- C. Design Criteria.
1. Bicycle facilities shall be of high quality and reflect the architecture of the primary structure.
 2. Bicycle racks shall be installed on a hard surface parking area. The hard surface surrounding each bicycle rack shall measure at least six (6) feet by six (6) feet in size.
 3. Each bicycle rack shall provide parking for two (2) bicycles.
 4. Racks shall allow for the bicycle frame and at least one wheel to be locked to the racks.
 5. The bicycle rack shall allow for the use of a cable as well as a U-shaped lock.
 6. Installation of bicycle parking facilities shall conform to the manufacturer requirements.
 7. If more than ten (10) bicycle racks are provided, at least half of the racks shall be covered by a roof or overhang.
- D. Dimensional Standards
1. Each bicycle parking space shall be a minimum six (6) feet in length.
 2. Bicycle racks shall be located at least three (3) feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
 3. A minimum vertical clearance of seven (7) feet shall be maintained above all bicycle parking facilities.
- E. Required Bicycle Parking

1. Exemption. The bicycle parking requirements of this Section shall apply to all uses other than the following uses:
 - a) Any use in the D-1 Central Business District;
 - b) Any Industrial Use (includes light and heavy manufacturing, storage and equipment yards, transportation, utilities)
 - c) Country Clubs, Golf Clubs, Golf Courses;
 - d) Fairgrounds, Agricultural Exhibits;
 - e) Hotel/motel;
 - f) Mobile food vending;
 - g) Residential Single-Family, Single-Family Attached, Two-Family, Mobile Homes;
 - h) Riding Stables, Riding Schools;
 - i) Roadside Markets;
 - j) Truck Stops, Truck Plazas; Truck Washes
 - k) Vehicle Salvage and Wrecking Operations;
 - l) Vehicle Storage;
 - m) Any similar use to the uses listed herein, or any use exclusively oriented to motor vehicles, as determined by the Community Development Director.
2. When the required amount of bicycle parking is two (2) spaces or less, the use shall provide a minimum of two (2) spaces in a bicycle parking facility.
3. Unless otherwise specified herein, bicycle parking shall be provided at the ratio specified in Table 44.12-12 E.

Table 44.12-12 E. BICYCLE PARKING REQUIREMENTS	
Use Type	Bicycle Parking
Residential	0-5 dwelling units – none
	≥ 5 dwelling units – 25% of required vehicle parking
Non-Residential	5% of required vehicle parking (up to 20 bicycle spaces)
	2.5% of required vehicle parking (≥ 21 bicycle spaces)

- F. Motor Vehicle Parking Reduction. Parking requirements may be reduced by one (1) off-street parking space for every four (4) bicycle parking spaces; provided, however, that the total number of required motor vehicle parking spaces shall not be reduced by more than ten percent (10%).
- G. The provisions of this Section may be waived or modified through Site Plan Review procedures if a determination is made that it is infeasible to fulfill bicycle parking requirements due to site constraints, proximity to existing bicycle parking, and the nature of the proposed building or use.

44.12-13 – MOBILITY AND CIRCULATION

- A. Purpose. The purpose of this Section is to establish mobility and circulation standards that allow reasonable access to properties; create a continuous network of non-motorized

pathways within and between developments; maintain the capacity of existing public infrastructure as land development occurs; ensure safe access to and from streets by emergency vehicles; and reduce interference with through traffic by other vehicles, bicycles and pedestrians.

B. Street and Site Connectivity

1. Internal circulation drives shall be arranged to promote the alignment and continuation of existing or proposed streets and drives into adjacent lots, developed or undeveloped.
2. Cross Access. In any Business, Manufacturing or Public Interest District, vehicular cross-access shall be provided to allow circulation between sites without the need to re-enter the public right-of-way.
 - a) A stub for future cross access shall be provided from the vehicular use area to adjacent lots.
 - b) A cross-access easement shall be recorded prior to the issuance of a Building Certificate of Occupancy for the development.
 - c) The requirement for vehicular cross-access may be waived through Site Plan Review procedures where the provision of such access is infeasible and appropriate pedestrian and bicycle access is dedicated to adjacent uses.

C. Pedestrian Circulation. All single-family attached and multiple-family residential, non-residential and mixed-use developments shall comply with the following standards:

1. Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with the primary entrances of main buildings.
2. Conflict between pedestrians and traffic shall be minimized at all points of pedestrian access to on-site parking and building entrances, and between buildings.
3. At least one pedestrian walkway with a minimum width of five (5) feet shall be provided from the internal pedestrian walkway network to the public sidewalk system. In the case of corner lots, connections shall be made to the sidewalks of both streets.
4. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.

BLOOMINGTON ZONING ORDINANCE – DIVISION 13

DIVISION 13. LANDSCAPING AND SCREENING

44.13-1 – Purpose and Intent

44.13-2 – Applicability

44.13-3 – Landscape Plan Submittal Requirements

44.13-4 – General Landscaping Requirements

44.13-5 – Plant Material Requirements

44.13-6 – Landscaping Areas

44.13-7 – Parking Lot Landscape Requirements

44.13-8 – Screening Requirements

44.13-1 – PURPOSE AND INTENT

A. The regulations of this Division establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this ordinance and specifically to:

1. Provide buffering between single-family dwellings and multiple-family dwellings, and office, commercial, and industrial land uses;
2. Safeguard and enhance property values and to protect public and private investment;
3. Create transitions;
4. Enhance the quality and appearance new development and redevelopment projects;
5. Promote the preservation, expansion, protection and proper maintenance of existing trees and landscaping;
6. Promote sustainable landscape practices including the use of non-invasive native and regionally adaptable plants;
7. Conserve energy and reduce soil erosion and sedimentation; and
8. Protect the public health, safety, and general welfare.

44.13-2 – APPLICABILITY

A. The landscaping and screening regulations of this Division apply as set forth in the individual sections of these regulations.

1. General
 - a) Unless otherwise specified, the landscaping, the screening and buffering provisions of this Section shall apply to all new multi-family and nonresidential development, including principal and accessory structures.
 - b) Buildings and structures lawfully existing as of the effective date of this ordinance may be repaired and maintained without providing or modifying landscaping, screening, and buffering in conformance with this Division; provided, however, that

screening requirements required in accordance with Division 44.10 shall be required as applicable to any new use hereafter established

- c) Where a building or structure existed as of the effective date of this ordinance, and is expanded or enlarged by twenty percent (20%) or more, either in gross floor area or impervious area on the site, compliance with the provisions of this Division shall be required.

B. Exceptions

1. The parking lot landscaping standards of Section 44.13-7 shall apply to surface parking lots in the D-1 district; development in the D-1 district shall be exempt from all other requirements of this Division.

44.13-3 – LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

A. Landscape Plan Submittals. Landscaping plans shall be prepared and stamped by a professional landscape architect or designer and must be provided for each phase of the development review and building permit processes. The landscape plan shall include the following information provided on one or more sheets:

1. The street address and parcel number of the property;
2. The applicant's name, address and interest in the property;
3. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the plan;
4. Title, scale, north marker, and date;
5. Zoning of site and the use(s) of all adjoining property(s);
6. All lot lines, easements and rights-of-way;
7. All surrounding roads with street names labeled;
8. Delineation of wetlands, streams and other water bodies;
9. Identification of existing trees and other landscape elements to be removed or preserved;
10. Existing and proposed site contours on the project site and one hundred (100) feet beyond the site lot lines, at intervals not to exceed two (2) feet;
11. All existing and proposed drainage and detention areas;
12. The total square foot of the site area dedicated for vehicle use, including parking, loading, circulation, drop-off/pick-up, etc.;
13. Location, size, spacing, and species of proposed plant material, including plant lists showing the required and proposed quantities;
14. A plant list keyed to the landscape plan that identifies landscape materials by scientific name and common name, planting size and planting details;
15. Methods and details for protecting existing vegetation during construction;
16. Size and location of berms, fences and other screening or screening devices;
17. Calculations verifying the minimum landscaping required for the site under this Article and calculations verifying the minimum percentage of required landscape area(s);
18. Description of irrigation methods for landscape areas;
19. Designation of area(s) to be used for snow storage;

20. Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the requirements of this Article; and
 21. Where fences, retaining walls or screen walls are proposed: an inset detail or specification sheet that indicates materials, height, and construction details for the structure;
 22. Where berms are proposed: typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them;
 23. Other information or documentation as the Director of CO may deem necessary to allow a full and proper consideration and disposition of the particular plan, including but not limited to special features, sign locations, lighting, decks, paving, gazebos, etc.
- B. Minor Changes to Approved Landscape Plans.
1. Minor changes to the approved landscape plan that do not affect compliance with the requirements of this Division and do not reduce the net amount of plant material as specified on the landscape plan may be approved by the Community Development Director.
 2. Changes that do not comply with the requirements of this Division and/or changes to the size and amount of plant materials of an approved landscape plan shall be considered a major change. Major changes are subject to review and approval by the body granting approval of the landscape plan initially.

44.13-4 – GENERAL LANDSCAPING REQUIREMENTS

- A. Previously Approved Plans. Any site plan or landscaping plan approved by the Community Development Director prior to the effective date of the ordinance codified in this Division shall remain enforceable and in force.
- B. Required Vegetation. All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water surfaces shall be planted with living vegetation, including trees, shrubs, grasses, and groundcovers.
- C. Timing of Planting. All required plant material shall be installed prior to issuing a Certificate of Occupancy. Where compliance with this requirement is not possible because of the season of the year, the Director of Planning and Code Enforcement may grant an appropriate delay or postponement of this requirement. In all such cases of postponement, the owner or developer shall deposit in an escrow account in a manner approved by the Corporation Counsel an amount equal to the one hundred ten percent (110%) of the estimated cost of installing such required landscaping or planting screen. However, in no instance shall this delay exceed eight (8) months.
- D. Completion of Improvements. Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
- E. Maintenance.
1. General.

- a) The property owner shall be responsible for the maintenance of all landscape areas, including ground cover vegetation in the public right-of-way, but shall not be responsible for the maintenance or removal of trees in the public right-of-way.
 - b) All landscape areas and plant materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris in accordance with the approved site plan.
 - c) Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
 - d) Unhealthy, withered, severely pruned, diseased or dead plants shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.
 - e) Fences, steps, retaining walls and similar landscaping elements shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas.
 - f) Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.
2. Sight Distance. Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the parking lot and shall be in compliance with Section 44.4-5 E. of this Code and the following visibility triangle standard:
 - a) At the intersection of a public or private street with a public or private driveway or alley no landscaping shall be placed, planted or allowed to grow in such a manner as to impede visibility between a height of two and one half (2½) and ten (10) feet above the curb top elevation of the street within the visibility triangle area formed by the street curb line intersection with the driveway pavement line, and with the hypotenuse (third side of the triangle) connecting said curb line and said pavement line at distances from their intersection equal to twenty (20) feet along the driveway line and thirty (30) feet along the street curb line.
3. Hazardous Trees.
 - a) Any plant material on private property that overhangs a public way in such a manner as to impede or interfere with traffic or travel on said public way, or that obstructs the view of motorists at the intersection of streets, shall be trimmed by the owner of the property so that the interference or obstruction is removed.
 - b) Any tree or limb of a tree that has become dead, decayed or broken and is likely to fall on or across a public way shall be removed by the owner of the property.
 - c) Any trimming or removal shall be completed within thirty (30) days after written notice requiring said trimming or removal. Said notice shall be served upon the owner of the property, and will be delivered by personal delivery or regular mail. It shall be the duty of the owner of such property to trim or remove the tree, shrub, bush or plant under the direction of the Building Commissioner.
4. Enforcement.

- a) Failure to comply with these maintenance requirements properly maintain any required plantings, landscaping or screening in a healthy condition, to replace dead plantings, or maintain other screening materials shall be deemed a violation of the requirements of this Code and the property owner shall be subject to or person responsible for the property on which such landscaping or screening is located shall be responsible for the maintenance and replacement and may be punished in accordance with the penalty provision contained herein for failure to maintain or replace same.
- b) Any property owner notified of a violation by the Community Development Director that their period of landscaping violates the provisions of this Code shall be given a reasonable time within which to restore or replace said landscaping. If such action is not taken within a period of thirty (30) days or a reasonable period of time as determined by the Community Development Director, in addition to these provisions the City after written notice to the owner or person responsible, may replace such required landscaping or screening materials in a manner and at a time to be specified in the a written notice at the expense of the City. The City shall recover the cost of replacement where the owner or person responsible fails to do so by bringing suit in the name of the City against the owner or person neglecting to maintain or replace the aforementioned landscaping materials and/or screening.

44.13-5 – PLANT MATERIAL REQUIREMENTS

- A. Scale and Nature of Landscape Material. The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.
- B. Plant Material Selection.
 - 1. All plant materials used shall be of good quality, be capable to withstand the seasonal temperature variations of central Illinois, be free of disease and insects, and meet the American Standard for Nursery Stock of the American Nurserymen standards for minimum acceptable form, quality and size for species selected.
 - 2. The use of species native to Illinois shall be encouraged. Where appropriate, the use of drought and salt tolerant plant material is preferred
 - 3. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.
 - 4. Materials used in fulfilling landscaping requirements shall conform to the standards and requirements of all applicable Chapters of the Bloomington City Code, 1960, as amended, including but not limited to Chapter 19 of said Bloomington City Code, 1960, as amended.
- C. Shade Trees. All deciduous shade trees shall have a minimum trunk size of three (3) inches in caliper at planting, unless otherwise specified.
- D. Evergreen Trees. Evergreens trees shall have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

- E. Ornamental Trees. Single stem ornamental trees shall have a minimum trunk size of three (3) inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight (8) feet at planting, unless otherwise specified.
- F. Shrubs.
 - 1. Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18) inches at installation.
 - 2. Large shrubs are those shrubs that reach five (5) or more feet in height at maturity. Small shrubs are those shrubs that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty (30) inches.
- G. Turf and/or Lawn Grasses. Lawn grasses shall be planted in species normally grown as permanent lawns in the Bloomington area.
 - 1. Grasses may be plugged, sprigged, seeded or sodded. When complete sodding or seeding is not used, nursery grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
 - 2. In swales and other areas susceptible to erosion, rolled sod, erosion reducing net or suitable mulch shall be used, and shall be staked where necessary for stabilization.
- H. Minimum Sizes and Spacing. The minimum plant sizes and spacing shall be provided in accordance with Table 50.13.05.H. Minimum Sizes and Spacing.

Table 44.13-5 H. Minimum Sizes and Spacing		
Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Canopy/Shade Trees	2 ½ inch caliper	25 ft. on-center
Ornamental/Understory Trees	2 inch caliper 5 ft. height (clump form)	15 ft. on-center
Evergreen Trees	5 ft. height	15 ft. on-center
Shrubs	2 ft. height or spread	3 ft to 4 ft on-center

- I. Topsoil. Topsoil shall be installed with a minimum depth of four (4) inches for lawn areas, and eight (8) to twelve (12) inches within planting beds.
- J. Stabilization. All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches or other approved materials to prevent soil erosion and allow rainwater infiltration.
- K. Softening of Walls and Fences. Vegetation shall be placed intermittently against long expanses of building walls, fences and other architectural barriers to create a softening effect and to help break up long expanses of blank walls.
- L. Planting Beds.
 - 1. All required shrubs and trees shall be mulched and maintained with shredded hardwood bark or cypress mulch. Bark used as mulch shall be maintained at a minimum depth of two (2) inches.
 - 2. All mulch proposed to be placed within or directly adjacent to a parking lot shall be shredded hardwood bark or cypress mulch.

3. Plant groups shall be mulched in a continuous bed in which the edge of the mulching bed does not extend any more than four (4) feet beyond the edge of the plantings.
 4. When required trees are planted individually and away from nearby plants they shall be encircled in a mulched area with a diameter of no more than five (5) feet.
 5. Evergreen trees are allowed a mulched circle with a diameter large enough to accommodate the spread of the tree and up to four (4) additional feet of mulch beyond the edge of the tree.
 6. Gravel mulch is not permitted within or directly adjacent to parking lots, but decorative landscaping stone or lava stone may be used as a mulch. Ground cover (grass, sod, flowers, etc.) shall be planted and maintained in curbed parking islands outside of mulched areas.
- M. Irrigation. Landscape design pursuant to the requirements of this Chapter shall recognize the need for irrigation and water conservation. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. All irrigation systems shall be designed to minimize the use of water.
- N. Berming. Earthen berms may be incorporated into the landscaping of a site where there is sufficient space and when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum berm slopes shall not exceed a four to one (4:1) slope ratio to prevent erosion and be properly and safely maintained.
- O. Credit for Existing Vegetation. Existing healthy, well-formed trees and shrubs may be credited toward the requirements of this Division provided that the tree(s) exceeds ten (10) feet in height and the vegetation is identified on the landscape plan, protected against damage during construction, located in an appropriate place, and maintained in a healthy growing condition. The condition of trees and shrubs shall be determined by a landscape architect, arborist, or other similarly qualified professional.
- P. Plant Species Diversity. Diversity among required plant material is required not only for visual interest, but to reduce the risk of losing a large population of plants due to disease. Table 50.13.05.P. Plant Species Diversity indicates the percentage of diversity required based on the total quantity of species being used. At least seventy-five percent (75%) of new plantings shall be species native to Illinois.

Table 44.13-5 P. Plant Species Diversity			
Total Number of Plants Per Plant Type	Maximum of Any Species	Minimum of Any Species	Minimum Number of Species
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

- Q. Screen Materials.

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

1. All planting materials used in required screens shall be evergreen varieties. Other plant materials may be used upon approval by the Community Development Director.
 2. A berm at least four (4) feet in height and thirty (30) feet in width may be installed as an alternative to a solid opaque fence. Such berm shall be landscaped with a variety of planting materials in such a manner so as to be consistent with the intent of required screenings.
 3. In lieu of a required planting screen, a solid opaque fence not less than six (6) feet in height may be installed. Chain link or wire mesh fences interlaced or interwoven with opaque strips may qualify as meeting the requirement for a solid opaque fence if approved by the Community Development Director.
- R. Unaccredited Trees. Table 44.13-5 R. Unaccredited Trees lists species that are permitted but shall not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, overly expansive root structure, excessive litter, and or other undesirable characteristics. The planting of these species is not encouraged.

Table 44.13-5 R Unaccredited Trees	
Botanical Name	Common Name
<i>Malus Spp.</i>	Apple
<i>Ulmus Americana</i>	American Elm
<i>Fraxinus</i>	Ash
<i>Robinia Spp.</i>	Black Locust
<i>Juglans Nigra</i>	Black Walnut
<i>Acer Negundo</i>	Box Elder
<i>Catalpa Speciosa</i>	Catalpa
<i>Prunus Spp.</i>	Cherry and Plum
<i>Populus Spp.</i>	Cottonwood, Poplar, Aspen
<i>Gingko Biloba (female)</i>	Female Gingko
<i>Abies Spp.</i>	Fir
<i>Morus Spp.</i>	Mulberry
<i>Maclura Pomifera</i>	Osage Orange
<i>Pyrus Spp.</i>	Pear
<i>Quercus Palustris</i>	Pin Oak
<i>Elaeagnus Angustifolia</i>	Russian Olive
<i>Ulmus Pumila</i>	Siberian Elm
<i>Acer Saccharinum</i>	Silver Maple
<i>Ulmus Rubra</i>	Slippery Elm
<i>Platanous Occidentalis</i>	Sycamore

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

<i>Ailanthus Altissima</i>	Tree of Heaven
<i>Salix Spp.</i>	Willow

S. Prohibited Materials.

1. Planting the species as listed in Table 44.13-5 S. is prohibited in the City due to their invasive nature.

Table 44.13-5 S Prohibited (Invasive) Species	
Botanical Name	Common Name
<i>Butomus umbellatus</i>	Flowering Rush
<i>Alliaria petiolata</i>	Garlic Mustard
<i>Populus nigra var. italica</i>	Lombardy Poplar
<i>Acer platanoides</i>	Norway Maple
<i>Rosa Multiflora</i>	Multiflora Rose
<i>Phragmites australis</i>	Common Reed
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Centaurea Biebersteinii</i>	Spotted Knapweed

2. The following materials are deemed inappropriate for the purposes of this Section and shall not be used in fulfilling these landscaping requirements: permanent pavement surfacing materials such as concrete and bituminous surfaces; artificial trees, artificial shrubs, artificial grass or artificial flora; crushed limestone or comparable materials.

44.13-6 – LANDSCAPING AREAS

A. Building Foundation Landscaping.

1. If a multi-family residential, non-residential or mixed-use development maintains a front and corner side yard of ten (10) feet or more, building foundation landscaping is required.
2. Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls. Foundation plantings shall respond to the windows and materials of the building.
3. Foundation plantings shall be installed across sixty percent (60%) of the length of the façade of the building, except where walkways and driveways are located.
4. A minimum four (4) foot wide hedge row shall be planted with one (1) shrub every three (3) feet on center, spaced linearly. Such shrubs shall measure a minimum of twenty-four (24) inches at planting, and shall be a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity. Foundation plantings may also include trees, additional shrubs, grasses, perennials, and groundcover.

B. Transitional Yards.

1. Applicability. The transitional yard landscaping requirements shall be applied to multi-family and non-residential uses in addition to any buffer yard or screening requirement specified in the District Regulations and Use Provisions.
2. Transitional Yard Types
 - a) Three transition yard types are established in recognition of the different contexts that may exist. They are as follows:

Table 44.13-6 B.(2)(a) Transition Yards			
Specifications	TY1	TY2	TY3
Min. Fence/Wall Height	6 ft. (masonry wall required)	6 ft.	6 ft.
Min Trees (per 100 ft.)			
Canopy/Shade/Evergreen	Not required	3	4
Ornamental/ Understory	4	3	4
Min. Shrubs (per 100 ft.)	Not required	Not required	30
[1] Yard widths calculated on the basis of average per 100 feet, provided that the yard width at any point may not be less than 50% of the minimums stated in the table. Required zoning district setbacks may be counted toward satisfying transition yard widths.			

- b) Transition yards may include a combination of elements including setback distances for separation, tree and shrubs, solid fencing, and/or berming. Existing topography and vegetation should be included in the design of the transition yard as approved by the Community Development Director. Preservation of existing mature trees is strongly encouraged.
- c) All treatments in the transition yard shall comply with the design standards of this Division. The minimum size and improvement of the transition yard types identified above may be used in combination to meet the intent of this Division.
 1. Natural Transition Yard – Evergreen. Four (4) evergreen variety trees, two (2) flowering variety trees and ten (10) evergreen shrubs per one hundred (100) feet of linear distance.
 2. Natural Transition Yard – Deciduous. Four (4) deciduous variety trees, two (2) flowering variety trees, and fifteen (15) large deciduous shrubs per one hundred (100) feet of linear distance planted in a staggered double row).
 3. Structural Transition Yard. Solid six (6) foot high wall or fence with two (2) evergreen variety trees, two (2) flowering variety trees, and five (5) large shrubs per one hundred (100) feet of linear distance.
 4. Earthen Berm Transition Yard. Minimum fifteen (15) foot transition yard with berming not to exceed a 1 to 3 (1:3) slope, three (3) large evergreen trees, two (2) flowering variety trees per one hundred (100) feet of linear distance, and sufficient evergreen shrubs with a combined height (berm and mature shrub) of five (5) feet to form a continuous screen within three (3) years of planting and/or sufficient deciduous shrubs with a combined height of five (5) feet to form a continuous screening within three (3) years of planting.

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

5. Areas not planted with trees or shrubs must be maintained as live groundcover.
- d) When an alley exists between two lots that would typically require a transition yard, the width of the alley can be used toward the required transition yard, provided that all required landscaping is provided for at least the first 5 feet of the yard, or the remainder of the required transition yard, whichever is greater.
- e) Application of Transition Yard Types. Transition yards shall be provided based on Table 44.13-6 B(2)(a) Transition Yard Type Requirements, except where adjacent uses are of a similar nature, scale and intensity. As per the table, the type of required transition yard is dependent upon the zoning district of the subject lot and the zoning district of the adjacent lot(s).

Table 44.13-6 B(2)(e) Type Requirements [1]																			
Subject Lot Zoning District [1]	Adjacent Lot Zoning District																		
	A	R-1A	R-1B	R-1C	R-2	R-3A	R-3B	R-4	B-1	B-2	C-1	D-1	D-2	D-3	M-1	M-2	P-1	P-2	P-3
A	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	TY2	TY2	---
R-1A	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	---	---	---
R-1B	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	---	---	---
R-1C	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	---	---	---
R-2	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	---	---	---
R-3A	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	---	---	---
R-3B	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	---	---	---
R-4	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	---	---	---
B-1	---	TY3	TY3	TY3	TY3	TY3	TY3	TY3	---	---	---	---	---	---	---	---	TY3	TY3	---
B-2	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	TY2	TY2	---
C-1	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	---	---	---	---	---	---	---	---	TY2	TY2	---
D-1	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
D-2	---	TY1	TY1	TY1	TY1	TY1	TY1	TY1	---	---	---	---	---	---	---	---	TY1	TY1	---
D-3	---	TY1	TY1	TY1	TY1	TY1	TY1	TY1	---	---	---	---	---	---	---	---	---	---	---
M-1	---	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY2	---	---	---	---	TY3	TY3	---
M-2	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	---	---	TY3	TY3	---
P-1	---	TY2	TY2	TY2	TY2	TY2	TY2	TY2	TY1	TY1	TY1	---	---	---	---	---	TY2	TY2	---
P-2	---	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY1	TY1	TY1	---	TY1	TY1	---	---	TY1	TY1	---
P-3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY1	TY1	TY1	---	---	---	---	---	TY3	TY3	---

[1] Zoning relationship indicated by "----" imply that no transition yard is required. However, lots are still subject to required setbacks and other landscaping requirements of this Chapter.

- f) Site Plan Review. When the approved use of a zoning lot would typically require a transition yard of a certain type based on the table above, but the use would impose a nominal impact on the character of uses in the adjoining district, a less intense type of transition yard may be approved through site plan review procedures.

44.13-7 – PARKING LOT LANDSCAPE REQUIREMENTS

- A. Parking Lot Landscape Requirements. All parking lots shall include landscaping and trees located within the parking area as required by this Section. Trees required by this section shall be in addition to trees and landscaping required under other sections of this ordinance.
- B. Parking Lot Perimeter Landscaping.
 - 1. Requirements. All parking lots shall comply with the following standards for perimeter landscaping.
 - a) Location and Dimensions. Perimeter landscaping shall be established along the edge of the parking lot with a minimum depth of six (6) feet for interior areas and twelve (12) feet adjoining a right-of-way. The landscape treatment shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing utilities.
 - b) Design. Perimeter parking lot screening areas shall be protected with raised concrete curbs, unless an alternate design is approved by the Community Development Director to accommodate best management practices for stormwater management. Landscaped areas outside of shrub and tree masses shall be planted in turf or other live groundcover.
 - c) Landscape Material. One (1) shrub shall be planted for every three (3) feet of landscaped area length, spaced linearly to adequately screen headlights and vehicle bumpers. Plants with thorns, berries, and other harmful characteristics shall be carefully placed to avoid potential harm to people or property on or off site.
 - d) Alternative screening. A wood fence or low masonry wall, up to a maximum height of three (3) feet, may be installed to screen headlights and vehicle bumpers. Installation of plant materials is encouraged between the sidewalk and the wall to provide a softening effect on the fence or wall.
 - 2. Exemptions. Parking lot perimeter landscaping is not required when the parking lot or vehicular use area is not visible from adjacent street right-of-way or as permitted by the Community Development Director.
- C. Parking Lot Interior Landscaping.
 - 1. Requirements. For parking lots consisting of ten (10) or more spaces, interior parking lot landscaping shall be required.
 - a) Quantity. One (1) parking lot island shall be provided between every ten (10) parking spaces. As part of the landscape plan approval, the location of parking lot islands may be varied based on specific site requirements or design scheme; however, all parking rows shall be terminated by a parking lot island or landscaped area.
 - b) Dimensions. The minimum dimension of a parking lot island shall be the same as the adjoining parking stall, but not less than two hundred (200) square feet.
 - c) Design. Parking lot islands or landscaped areas shall be elevated at least six (6) inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. A minimum of one (1) shade tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) shade trees shall be

provided. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure plant survival.

- d) Landscape Material. Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Branches shall be trimmed to a minimum height of seven (7) feet. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but shall not create visibility impediments for automobiles and pedestrians.
- e) Groundcover. A minimum of seventy-five percent (75%) of every parking lot island shall be planted in turf or other live groundcover, perennials or ornamental grasses.

44.13-8 – ADDITIONAL SCREENING REQUIREMENTS

- A. Areas of low visual interest or visually intrusive site elements, such as trash collection, mechanical equipment, open storage, service areas, loading docks and blank walls, shall be screened from off-site view. Screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required. Screening techniques may include, but are not limited to, hedgerows, fencing, wing walls, parapets, and building insets.
- B. Refuse Disposal Areas. Trash and recycling receptacles shall be screened in accordance with the following requirements:
 - 1. Siting. Refuse disposal areas shall be sited to minimize visibility from the public right-of-ways. Trash enclosures shall not be located within a required street front or street side setbacks or occupy area used for required parking spaces. Where feasible, refuse enclosures shall be located to the rear of a main building or at the rear of the parking lot.
 - 2. Height. Refuse disposal areas shall be screened on all sides to a minimum height of six (6) feet.
 - 3. Materials and Appearance.
 - a) Refuse enclosures shall be constructed of durable materials that complement the architecture of the principal structure. Masonry walls and commercial grade wood fences are preferred materials. In Manufacturing Districts, enclosures constructed of chain link or wire mesh interlaced with opaque strips may be approved by the Community Development Director.
 - b) Enclosures that are attached to buildings shall be compatible in appearance and shall be constructed of the same material main structure.
 - c) Enclosure openings directly visible from a public right-of-way and/or adjoining residential areas shall have a solid material gate. For larger enclosure areas, a separate gate access is encouraged.
 - 4. Additional Design Criteria.
 - a) Enclosures shall be of an adequate size to accommodate expected containers. At no time shall refuse be allowed to accumulate outside of the enclosure.

- b) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by use of barrier curbing, reinforced masonry walls, or other similar means.
- c) The Community Development Director may approve landscape screening in lieu of a masonry or wood structure, if such screening provides full coverage of the disposal area and is a minimum height of six (6) feet at time of planting.

C. Outdoor Storage Areas

- 1. Outdoor storage areas, work areas and service yards shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a commercial grade solid wood screen fence at least six (6) feet in height, and not exceeding the height limitations contained in Section 44.9-11 of this Ordinance. Where feasible, plant materials should be installed along that portion of a fence or wall that is highly visible from the right-of-way to provide a softening effect.
- 2. If storage materials exceed the allowable maximum fence height, then a combination of berming, fencing and landscaping shall be used to accomplish appropriate screening.
- 3. Growing areas for nursery stock located in the front or corner side yard are considered to meet screening requirements.

D. Mechanical Units

- 1. Ground Mounted Mechanical Units. Ground-mounted mechanical units, including but not limited to: air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from an adjacent right-of-way shall be screened from public view. The screen shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.
- 2. Roof Mounted Mechanical Units. All roof-mounted mechanical units shall be screened to their full height by an opaque screening material that is compatible with the architecture of the building or through integrated building architecture, such as a parapet wall.

E. Loading Docks and Service Areas. Loading docks and service areas shall be screened from view from public rights-of-way and adjacent lots. Screening shall consist of the following, individually or in combination:

- 1. A screening wall, attached to the principal structure, that is compatible in appearance and constructed of the same material main structure
- 2. Opaque masonry or commercial grade wood fence having a minimum height of six (6) feet.
- 3. Multi-stemmed ornamental trees, evergreen trees, large shrubs or some combination thereof, planted at a minimum ratio of fifty (50) plant units for each one-hundred (100) linear feet of perimeter to be screened. If large shrubs are used, they shall be a minimum of six (6) feet in height at the time of installation.

F. Drive-Through Facility. Drive aisles of drive-through facilities must be effectively screened from view along the public right-of-way and at the edges of sites adjacent to a Residential District to minimize the impact of exterior site lighting, headlight glare and menu displays. Such screening shall consist of a masonry wall, commercial grade wood fence or dense

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

evergreen hedge no less than six (6) feet in height. Plant materials must be installed along the fence or wall to provide a softening effect.

BLOOMINGTON ZONING ORDINANCE – DIVISION 17

DIVISION 17. ADMINISTRATIVE PROCEDURES & ENFORCEMENT

44.17-1 – Purpose and Intent

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

44.17-3 – General Application Requirements

44.17-4 – Application Processing

44.17-5 – Notice and Public Hearings

44.17-6 – Zoning Map (Rezoning) and Text Amendments

44.17-7 -- Special Uses

44.17-8 – Variations

44.17-9 – Site Plan Review

44.17-10 – Certificate of Appropriateness

44.17-11 – Demolition Review

44.17-12 -- Appeals

44.17-13 – Zoning Enforcement Officer

44.17-14 – Zoning Compliance Certificate

44.17-15 – Zoning Verification Letters

44.17-16 – Complaints and Penalties

44.17-1 – PURPOSE AND INTENT

The purpose and intent of this Division is described below.

- A. Provide a clear and comprehensible development review process that is fair and equitable to all interests including applicants, effected neighbors, and the City;
- B. Establish an orderly review process for all proposed projects involving construction of a building or other structure, any site improvements or alterations or a modification in the use of land within the City that is consistent with this Chapter;
- C. Ensure that land, parcels, and lots are appropriately developed so that their use and operation complies with all applicable requirements of this Chapter;
- D. Ensure that development complies with the comprehensive plan and allow for processes and procedures that support creative and innovative proposals to enhancing the benefits of development to the Bloomington community.

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

A. General.

1. Terms. ~~Effective May 1, 2014, a~~ A person appointed to the Board of Zoning Appeals, Historic Preservation Commission or Planning Commission shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2)

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

2. Officers.

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

3. Meetings.

- a) A quorum shall consist of a majority of the members. All decisions or actions of the board or commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.
- b) Meetings shall be held at regularly scheduled times established herein or at any time upon the call of the chairman.
- c) No member of the board or commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member.
- d) The chairman, and in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- e) All meetings shall be open to the public.
- f) The board or commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Community Development Department and shall be a public record.

B. Board of Zoning Appeals

1. Creation. The Board of Zoning Appeals of the City of Bloomington, Illinois, which has been duly created by the City Council, is the Board of Zoning Appeals referred to in this Code.

2. Composition. The Board of Zoning Appeals shall consist of seven (7) members who are residents of the City of Bloomington, Illinois.
 3. Jurisdiction Powers and Duties.
 - a) To establish or amend its procedural rules as necessary to facilitate the performance of its duties;
 - b) To recommend to the City Council amendments to this Zoning Ordinance;
 - c) To conduct administrative public hearings, make findings of fact, and recommend approval or disapproval to the City Council applications for special uses (Section 44.17-7);
 - d) To conduct administrative public hearings, make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision or determination made by the Director of Community Development or his deputies or assistants in the enforcement of this Code;
 - e) To conduct administrative public hearings, make findings of fact and grant or deny variations in the manner provided herein;
 - ~~f) To conduct administrative hearings, make findings of fact and recommend to the City Council approval or disapproval of applications for special use permits in the manner provided herein;~~
 - ~~g) To recommend to the City Council amendments to this Code.~~
 - h) To hear appeals of decisions made pursuant to Division 14 of this Zoning Ordinance ~~by the Sign Code Administrator~~ relating to the denial of permits, the removal of illegal signs or the granting of variances, except when said appeal is brought pursuant to Article 7 of Chapter 3, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code; and
 - ~~i) To make recommendations to the City Council for changes to Chapter 3 of this Code; and (Ordinance No. 2012-71)~~
 - j) To give advice to the Sign Code Administrator when requested.
 4. Meetings. Meetings shall be held on the third Wednesday of each month at 4:00 p.m. or at any time upon the call of the chairman at such times and place as the Board may determine.
- C. Historic Preservation Commission
1. Composition. The Bloomington Historic Preservation Commission ("Preservation Commission") shall consist of seven (7) members, all of whom shall be appointed by the Mayor and approved by the City Council. Members shall be residents of the City or owners of taxable real estate located within the corporate limits of the City and whose place of residence is located not more than five (5) miles from said corporate limits, ~~all of whom shall be appointed by the Mayor and approved by the City Council.~~ The Mayor shall make every reasonable effort to try to appoint persons with a demonstrated interest in the history or architecture of the City, and at least one (1) member of the Preservation Commission should, if possible, be an Illinois registered architect, one (1) an attorney and one (1) a person experienced in real estate.

2. Powers and Duties. The Preservation Commission shall have the following powers and duties:
- a) To adopt its own procedural regulations;
 - b) To conduct ~~an ongoing~~ surveys to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the United States of America, the State of Illinois, or the City of Bloomington;
 - c) To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural values as "landmarks";
 - d) To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating areas as having special historic, community or architectural value as "historic districts";
 - e) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
 - f) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
 - g) To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
 - h) To nominate landmarks and historic districts to the National Register of Historic Places, and to review and comment on any National Register Nominations submitted to the Preservation Commission upon request of the Mayor or City Council;
 - i) To inform and educate the citizens of the City concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
 - j) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. ~~Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;~~
 - k) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness ~~has been~~ would otherwise be denied;
 - l) To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;
 - m) To review proposed zoning amendments, applications for special use permits, or applications for zoning variations that affect proposed or designated landmarks and historic districts. The Director of Community Development shall send applications for

- special use or zoning variations to the Preservation Commission for comment prior to the date of the hearing by the Planning Commission or Board of Zoning Appeals;
- n) To administer through the City Parks and Recreation Department any property or full or partial interest in real property, including easements, that the City may have or accept as a gift or otherwise, upon authorization and approval by the City Council;
 - o) To accept and administer through the Office of the Director of Finance on behalf of the City such gifts, grants, and money as may be appropriate for the purposes of Section 44.5-15 A. of this Code. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of Section 44.6-15 A. of this Code;
 - p) To call upon available City staff members as well as other experts for technical advice;
 - q) To retain such specialists or consultants with the permission of the City Council or to appoint such citizen advisory committees as may be required from time to time;
 - r) To testify before all boards and commissions, including the Planning Commission and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, structures, and areas;
 - s) To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques, or markers;
 - t) To develop a preservation component in the official comprehensive plan and to recommend it to the Planning Commission and to the City Council;
 - u) To periodically review the Bloomington Zoning Code and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts; and
 - v) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this Code.
3. Surveys and Research. The Preservation Commission ~~shall~~ may undertake ~~an ongoing~~ survey and research efforts in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of ~~the a~~ survey, the Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. Before the Preservation Commission shall on its own initiative nominate any landmark for designation, it shall first develop a plan and schedule for landmarks and adopt procedures to nominate them in groups based upon the following criteria:
- a) The potential landmarks in one identifiable neighborhood or distinct geographical area of the City;
 - b) The potential landmarks associated with a particular person, event, or historical period;

- c) The ~~completion of a survey of the City to identify potential landmarks. The Preservation Commission shall then systematically identify~~ potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;
 - d) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of ~~all~~ potential landmarks within the City.
- 4. Meetings.
 - a) Meetings shall be held on the third Thursday of each month at 5:00 p.m. or at any time upon the call of the chairman at such times and place as the Commission may determine.
 - b) No action shall be taken by the Preservation Commission that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the Preservation Commission, as provided herein.
- D. Planning Commission
 - 1. Creation. The Planning Commission of the City of Bloomington, Illinois, which has been duly created by the City Council is the Planning Commission referred to in this Code.
 - 2. Composition. The Planning Commission shall consist of ten (10) members who are residents of the City of Bloomington, Illinois.
 - 3. Powers and Duties
 - a) To conduct legislative public hearings and submit reports and recommendation to the City Council on applications or proposals to amend the boundaries of the zoning districts created by this Code;
 - b) To conduct public hearings and submit reports and recommendations to the City Council on proposed amendments to the regulations imposed by this Code, that is, zoning text amendments;
 - c) To conduct public hearings and recommend approval or disapproval of preliminary plans for subdivisions and, if directed by the City Council, to report on final subdivision plats in the manner provided in **Chapter 24 of the Bloomington City Code**, 1960, as heretofore or hereafter amended;
 - d) To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned unit developments and, if directed by the City Council, to report on final development plans in the manner provided in **Division 15 of this Zoning Ordinance**;
 - e) When required by this Code or the City Council to conduct public hearings and recommend approval or disapproval of site plans as required by provisions of this Code;
 - f) To recommend to the City Council amendments to this Code and **Chapter 24 of the Bloomington City Code, 1960**, as amended;
 - g) To carry out and perform such additional duties as are assigned to them by the City Council.

4. Meetings. Meetings shall be held on the second and fourth Wednesday of each month at 4:00 p.m. or at any time upon the call of the chairman at such times and place as the Commission may determine.

44.17-3 – GENERAL APPLICATION REQUIREMENTS

- A. Forms. Applications for the procedures established under this Section shall be submitted on application forms and in such numbers as required by the applicable review official or review body. The application form for each development review procedure shall establish the minimum information required for that procedure.
- B. Proof of ownership. All applications required under this Section shall include proof of ownership satisfactory to the applicable review official or decision-making body. Such proof may include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property.
- C. Property owner endorsement.
 1. All applications shall include the name and signature of the current property owner(s) of all property within the boundaries; or
 2. Where the owner is not the applicant, the applicable review official shall require an applicant to present evidence that the applicant is a duly authorized agent of the owner.
- D. Filing fees.
 1. All applications shall be accompanied by the associated filing fee and shall be filed with the applicable review official or body.
 2. Each application shall be accompanied by a check, payable to the Treasurer of the City, or a cash payment, to cover the cost of publication, posting, and hearings. Said amount shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code.
 3. Filing fees are not refundable except where an application was accepted in error or the fee paid exceeded the amount due. Fees may be refunded or partially refunded, where applications are withdrawn prior to publication of any notices. Under no condition shall said sum or any part thereof be refunded for failure of said application to be approved. No fee shall be required from any governmental or public agency.

44.17-4 – APPLICATION PROCESSING

- A. Completeness Review. An application shall not be considered by any decision-making body unless such application is complete, as described herein.
 1. A determination of application completeness shall be made by the review official within seven (7) days of application filing.
 2. An application is considered complete only if it is provided in the required form, includes all mandatory information as may be required by the review official, and is accompanied by the applicable fee.

3. If an application is determined to be incomplete, the review official shall contact the applicant in writing to explain the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected.
4. If the deficiencies of an incomplete application are not corrected by the applicant within thirty (30) days, the application shall be considered withdrawn and returned to the applicant.
5. All applications must be deemed complete at least twenty-one (21) days prior to a meeting or public hearing, unless otherwise allowed by the review official.
- B. Referrals. The review official may forward complete applications submitted under this Division to such other public officials and agencies as required by law or as deemed appropriate for further review.
- C. Staff Reports. The Director of Community Development shall submit a written report containing a summary of the land use application, its compliance with the Zoning Ordinance, comprehensive plan, and/or any other relevant official document, and recommendations on the basis thereof, at least seven (7) days prior to the meeting or hearing of the review- and/or decision-making body before which the application is to be heard.
- D. Concurrent Applications.
 1. If approved by the Director of Community Development, applications for development approvals may be filed and reviewed concurrently; provided, however:
 - a) Any application that also requires a legislative decision shall not be eligible for final approval until the legislative decision has been approved; and
 - b) No site plan or special use shall be approved before any necessary rezoning is approved.
 2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.
- E. Successive Applications. A successive application for an application that has been denied shall not be reviewed or heard within one (1) year after the date of denial, except if the Director of Community Development determines that substantial new information has become known since the denial. A successive application filed within one year of the date of denial shall include detailed information that justifies its consideration.
- F. Effective Period of Application. An application shall be valid for a period of two (2) years from the date on which it was first filed with the Community Development Department.
 1. An application that is not processed completely in accordance with city ordinances and regulations within two (2) years shall automatically lapse and become null and void without further action by the City; except that the Director of Community Development may extend the application for a period of up to six (6) months upon written request of the applicant.
 2. After the application has lapsed, all fees paid by the applicant shall be forfeited and any successive application shall be accompanied by the fees required by this Code.

3. An application may be withdrawn by the applicant at any time prior to its approval. Such request for withdrawal shall be submitted in writing and shall be deemed a final action.

44.17-5 – NOTICE AND PUBLIC HEARINGS

- A. Required Legal Notice. After an application has been certified complete as required by **Section 44.17-4**, the applicable review or decision-making body shall fix a reasonable time for the hearing of the application or appeal. Notice of the time and place of such a legislative or administrative hearing shall be given in accordance with the laws of the State of Illinois.
 1. The Zoning Administrator or designee shall publish notice of the request for hearing in a newspaper of general circulation in the City of Bloomington.
 2. Notice shall also be sent by first class mail or personal delivery to the property owner of record of all parcels, lying in whole or in part within three hundred (300) feet, inclusive of public right-of-way, of the property lines of the property for which the action is requested.
 3. The notice shall be given at least fifteen (15) days, but not more than thirty (30) days before the date the application will be considered for approval.
 4. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall include all of the following:
 - a) The name and address of the applicant and property owner;
 - b) The common address or location of the subject property;
 - c) A description of the nature and purpose of the requested action;
 - d) The location, date and time of the public hearing or meeting;
 - e) When and where written comments will be received concerning the request; and
 - f) The office address and telephone number of the city office where information concerning the application may be obtained.
- B. Courtesy Notice. In addition to any required legal notice as provided herein, courtesy notice may be given at the direction of the Director of Community Development in the manner described herein. Distribution of courtesy notice shall not constitute a precedent for future notice on the subject application or on any future application.
 1. Posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the Community Development Department.
 2. Mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.
- C. Administrative Public Hearing Procedure.
 1. Notice for all administrative public hearings shall be given in accordance with **Section 44.17-5 A**. Administrative public hearings and shall be held at regularly scheduled times, except when conditions require a special meeting.
 2. Parties. The applicant, the City and the person filing a written entry of appearance ~~is a party~~ are all parties to an administrative public hearing procedure;
 3. ~~Testimony Appearances of Others.~~ Any person may submit written comment which shall be made part of the public record, or may appear and testify at an administrative public hearing, either in person or by a duly authorized agent or attorney;

4. Oaths of Affirmations. The chairman or in his or her absence, the acting chairman, may administer oaths or affirmations;
5. Compelling the Attendance of Witnesses. The chairman or in his or her absence, the acting chairman, may compel the attendance of witnesses by mailing to such persons a notice compelling attendance, not less than five (5) calendar days before the public hearing. Failure of a person to appear in response to such a notice shall constitute a violation of this Code.
6. Hearing Procedures. In order that the board or commission may efficiently transact the business before it and provide an opportunity for all interested parties to be heard, the following rules and procedures shall be followed:
 - a) ~~Parliamentary procedures shall be followed. In the conduct of its meetings said Board shall follow parliamentary procedures except as set forth in paragraph (1) of this subsection (c).~~ Robert's Rules of Order, except when otherwise provided by law ~~and when not or~~ in conflict with these rules and procedures, shall govern on all questions of parliamentary procedure law at meetings of said Board.
 - b) ~~Convening; Seating; Order of Business. All regular meetings of the Board of Zoning Appeals shall convene promptly at the hour set by Section 44.17-2 A.3(a) of this Code. On the day of each regular meeting the members and secretary of said Board shall take their regular stations in the Council Chambers and~~ The business of ~~said Board~~ the board or commission shall be taken up for consideration in the following order:
 1. Call to Order by the secretary ~~or Acting Secretary of the Board of Zoning Appeals;~~
 2. Roll Call by the secretary ~~or Acting Secretary of said Board. A majority of said Board's members shall be present to constitute a quorum in order to do business. In the event that there is no quorum present, then all public hearings scheduled for the meeting shall be postponed. If the Chairman is absent, an Acting Chairman of said Board shall be selected by a majority vote of said Board's members who are present;~~
 3. Review and approval of the minutes of ~~said Board's~~ the previous meeting;
 4. Consideration of Petitions. The following procedure shall be used in the consideration of each petition:
 - a. The chairman ~~or Acting Chairman of said Board~~ shall provide a short description of the petition;
 - b. The secretary ~~or Acting Secretary of said Board~~ shall report whether notice of the public hearing was given as required by this Code and whether courtesy notices ~~of the public hearing~~ were mailed to the owners of property most affected by the petition;
 - c. The chairman ~~or Acting Chairman of said Board~~ shall read the applicable Section of this Code which applies to the petition;
 - d. The chairman ~~or Acting Chairman~~ shall invite persons at the public hearing to speak in favor of the petition;

- e. The chairman ~~or Acting Chairman~~ shall invite persons at the public hearing to speak against the petition;
 - f. The chairman ~~or Acting Chairman~~ shall invite other persons at the public hearing to express their opinions concerning the petition;
 - g. The chairman ~~or Acting Chairman~~ shall close the public hearing and allow time for members of the board or commission to discuss the petition;
 - h. At the end of such discussion the chairman ~~or Acting Chairman~~ shall on the petition invite a motion of approval. After the motion of approval is seconded, those ~~Board~~ members who are in favor of approving the petition shall vote "Yes", those in favor of denying the petition shall vote "No", and those wishing to abstain from voting on the petition shall vote "Present". A concurring vote of four (4) members of the Board of Zoning Appeals shall be required to approve or recommend approval of a petition. Board members shall cast their votes on roll call by the Secretary ~~or Acting Secretary~~;
 - i. The Chairman ~~or Acting Chairman~~ shall then review the Board of Zoning Appeals action and discuss the procedures to be followed for the benefit of the petitioner.
7. Record Keeping:
- a) The board or commission shall make a sound recording of all administrative public hearings and shall retain such tape for not less than six (6) months following the closing of the hearing;
 - b) Verbatim Transcripts. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request therefor shall be filed with the chairman ~~of the Board of Zoning Appeals~~ not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs;
 - c) Decisions and Orders. The board or commission shall retain in the Office of the City Clerk a copy of every rule, decision or determination ~~made by the Board~~.
8. Notification of Decision. Copies of findings of fact and decisions or recommendations of the board or commission shall be served by mailing a copy thereof to all parties within five (5) days of such decision.
- D. Legislative Public Hearing Procedure.
- 1. Notice for all legislative public hearings shall be given in accordance with Section 44.17-5 A. All legislative public hearings shall be held at regularly scheduled meetings, except when conditions require a special meeting.
 - 2. Testimony Appearances. Any person may submit written comment which shall be made part of the public record, or may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney.
 - 3. Oaths. The chairman ~~or in his or her absence the Acting Chairman~~ may administer oaths.

4. Compelling the Appearance of Witnesses. The chairman ~~or in his or her absence the acting chairman~~ may compel the attendance of witnesses by mailing to such persons a notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a notice shall constitute a violation of this Code.
5. Record Keeping. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicate such fact.
6. Transmittal of Recommendation to Council. A copy of the meeting minutes ~~Minutes of the Planning Commission meeting~~ and any reports or recommendations shall be filed with the City Clerk prior to final action by the City Council on a particular item and shall become part of the public records of the municipality, provided however, the failure to file such minutes shall not invalidate final action of the City Council.

44.17-6 – ZONING MAP (REZONING) AND TEXT AMENDMENTS

- A. Purpose. Recognizing that conditions may change ~~since subsequent to the adoption of the city's zoning map and Zoning Ordinance, property has been placed in its original zoning classification and/or that amendments may be necessary to clarify or correct the zoning regulations mistakes may have been made in the original zoning district map,~~ the amendment process ~~is hereby established of amending the district regulations is a vehicle for correcting such mistakes or responding to such changes.~~ For this purpose and for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the value of property throughout the City and lessening and avoiding congestion of the public streets and highways, City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in this Code and the districts provided hereby, provided that in all amendments adopted under the authority of this Section, due allowance shall be given for the existing condition, the conservation of property values, the direction of building development to the best advantages of the entire City and the use to which the property is devoted at the time of adoption of such amendment.
- B. Initiation of Amendment. Amendments to the ~~districts zoning map established hereby~~ may be proposed by the City Council, property owners or parties to a valid and enforceable purchase option contract. Amendments to the Zoning Ordinance regulations imposed hereby, that is, zoning text amendments, may be proposed by a motion or resolution of the City Council.
- C. Application ~~for Amendment~~.
 1. An application for a map amendment shall be submitted on the form provided by the Office of the City Clerk.
 2. Applications shall conform to the requirements of Section X. In addition to the minimum requirements of the application, the Director of Community Development may request additional information necessary to facilitate a review of the application. ~~That all requests for zoning amendments, other than those submitted by or at the direction of the City Council, shall henceforth only be accepted when filed on proper application forms~~

~~submitted by the Office of the City Clerk. When such applications are required, the information requested on them is deemed to be a minimum and applicants may be requested to supply additional information prior to hearings on their requests. Such forms shall be filed in duplicate as prerequisite to the commencement of any action on the part of the City. The City Clerk shall, at such time as she is in receipt of the properly completed applications for zoning amendments, forward one (1) application form to the Planning Commission provided, however, no application is required to initiate a zoning text amendment or a zoning district boundary amendment initiated by or on behalf of the City Council, but such action may be initiated by motion or resolution of the Council.~~

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

E. Action by Planning Commission.

1. ~~Notification and Hearing Procedure~~ Hearing. The Planning Commission shall give notice and hold a legislative public hearing on each application for a zoning map or zoning text amendment ~~in the manner provided by Section 44.13-1 F.3. of this Code.~~
2. Recommendation ~~by the Planning Commission.~~ At the close of the legislative public hearing, the Planning Commission shall make findings of fact and prepare a recommendation to the City Council. In making its recommendation, the Planning Commission shall be guided by those purposes, standards and objectives of for which this Code ~~was adopted and shall endeavor to accomplish those standards and objectives for which this Code was adopted and shall endeavor to accomplish those standards and objectives for which this Code is designed~~ and shall not recommend the adoption of an amendment unless it finds that such amendment is in the public interest and not solely for the benefit of the applicant. In making such a finding, the Commission may consider:
 - a) The suitability of the subject property for uses authorized by the existing zoning;
 - b) The length of time the property has remained vacant as zoned considered in the context of land development in the area;
 - c) The suitability of the subject property for uses authorized by the proposed zoning;
 - d) The existing land uses of nearby property;
 - e) Existing zoning of nearby property, relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;
 - f) The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;
 - g) The extent to which the proposed amendment is ~~in~~consistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area;

- h) The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;
- i) The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in **Division 2** herein.

F. Action by the City Council.

- 1. The City Council upon receiving the report and recommendation of the Planning Commission, as an exercise of the legislative discretion vested in the corporate authority of the City of Bloomington, Illinois, may grant or deny the proposal.
- 2. If an application for a proposed amendment is not acted upon finally by the City Council within three (3) months of the date upon which such application is received by the City Council, it shall be deemed to have been denied unless extended by agreement of the applicant and the City Council.
- 3. In case a written protest against any proposed amendment of the zoning districts created under this Code, signed and acknowledged by owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered or by the owners of twenty percent (20%) of the frontage immediately adjoining or across the alley therefrom is filed with the City Clerk, the amendment cannot be passed except on the favorable vote of two-thirds (2/3) of the Aldermen of the City then holding office.
- 4. No application for a ~~district map~~ amendment which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the City Council.

44.17-7 – SPECIAL USES

- A. Purpose. The development and execution of this Code is based upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, by their very nature and their unique characteristics cannot be permitted in a particular district or districts without special consideration being given to the characteristics of surrounding property, as well as the site itself and the impact such a use would have on adjoining or nearby property. The purpose of this Section is to specify standards that shall be required to be met before the issuance of a special use permit. In addition to the underlying zoning district regulations and the general standards applicable to all special use requests, each special use shall meet ~~the~~ any applicable specific standards set forth for that ~~particular~~ use and any conditions imposed by the City Council in the ordinance granting the special use permit. ~~Such~~ Special uses fall into two categories:

- 1. Uses publicly operated or traditionally ~~affected with~~ serving a public interest;

2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Existing Special Uses. Where a building or structure and the use thereof, or the use of land lawfully exists on the effective date of this Code, including amendments thereafter as an allowable special use in the zoning district in which it is located, the existing building or structure and its use thereof, or the use of land where no building, or structure is involved, comprising such a special use shall be considered a lawful existing special use. ~~As with any other special use said existing lawful special use shall be subject to the revocation provisions of Section 44.10-3 G. of this Code.~~
- C. Initiation of Application. The City Council or the City Manager at the direction of the City Council or any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Code in the zoning district in which the land is located.
- D. Application Requirements.
 1. An application for a special use permit shall be submitted on the form provided by the Office of the City Clerk.
 2. The application shall include a statement describing the nature of the proposed use and a full-size, legible site plan.
 3. Applications shall conform to the requirements of Section 44.17-3. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information prior to the public hearing on their requests.
 4. The site plan shall provide the following information on one or more sheets:
~~Application for a Special Use. All requests for Special Use Permits other than those initiated by the City Council or by the City Manager at the direction of the City Council shall only be accepted when filed on the proper application forms furnished by the office of the City Clerk, which application form shall require the submission of a sketch site plan and twenty-one (21) copies thereof, prepared by a design professional. The City Clerk shall cause a notice of time and place of such hearing to be published in a newspaper of general circulation in the City not more than thirty (30) days or less than fifteen (15) days in advance of such hearing. Said site plan shall be drawn on tracing paper, tracing cloth, or equivalent thereof having a minimum size of twenty-four (24) by eighteen (18) inches and a maximum size of twenty-four (24) by thirty-six (36) inches, in a manner that clear and legible prints can be made. Said site plan shall be drawn at a graphic (engineering) scale of one (1) inch equal to fifty (50) feet or more (1" = 30'; 1" = 20'; etc.) and shall show the following:~~
 - a) Location by Section, Town and Range or other legal description;
 - b) Names and addresses of the persons having proprietary interest over the property;
 - c) Graphic (engineering) scale;
 - d) North-points;

- e) Date of preparation;
 - f) The boundary lines of the property in question;
 - g) Location of all survey monuments and their descriptions;
 - h) Proposed location, width and type of surface material of all proposed sidewalks, pedestrian ways, driveways, parking areas, service areas, and recreation areas;
 - i) Size, location, height, number of stories, building design, and arrangement of proposed buildings and structures and existing buildings and structures;
 - j) Size and location of proposed parking areas with arrangement of bays and aisles and curb cuts, and with indication of the total number of spaces;
 - k) Size, location and composition of all proposed fencing, refuse enclosures and landscaped screening material;
 - l) Landscaping plan indicating size, location, and general characteristics of plant materials as specified in Division 13 of this Zoning Ordinance.
- E. Action by Director of Community Development. Upon submission of a complete application, the Director of Community Development shall review the application for compliance with Paragraph H of this Section and other applicable requirements, and prepare a written report.
- F. Action by Board of Zoning Appeals.
- 1. Hearing. ~~Public Hearing on Application~~. Upon receipt in proper form of the application and supporting material referred to above, the Board of Zoning Appeals shall hold a least one (1) administrative public hearing on the proposed Special Use in the manner provided in Section 44.17-5. If any variations to the regulations of this code would otherwise be necessary for the development proposal, such ~~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 Zoning Board of Appeals' administrative public hearing and recommendation on the special use permit application.
 - 2. Recommendation ~~Action by the Board of Zoning Appeals~~. For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein.
- G. Action by the City Council. The City Council shall either deny the application or shall grant the special use permit, with or without modifications or conditions.
- H. Standards of Approval. No special use application shall be recommended by the Board of Zoning Appeals ~~for approval or approved by the City Council~~ unless it is found such Board shall find:
- 1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
 - 2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
 4. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.
- I. Conditions and Guarantees. Prior to the granting of any special use application, the Board of Zoning Appeals may recommend and the Council ~~shall stipulate~~ may require, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein ~~in this Division 10~~. The Council may require such evidence and guarantees as it may deem necessary as proof ~~that of compliance with~~ the conditions of approval ~~stipulated in connection therewith are being and will be complied with~~.
- ~~Recording Fee.~~ ~~Upon being granted the special use permit the applicant shall pay a fee of Twenty One Dollars (\$21.00) to cover the cost of recording the special use permit with the deed at the McLean County Recorder's Office. (Ordinance No. 2006-137)~~
- ~~Effect of Denial of a Special Use Application.~~ ~~No application for a special use permit which has been denied wholly or in part by the Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Council. (Ordinance No. 2006-137)~~
- J. Expiration and Revocation of special use permits and existing special use. The revocation or expiration of a special use permit issued pursuant to Section 44.10-3 of this Code or the expiration or revocation of existing special use ~~authorized under Section 44.10-3 of this Code~~ shall cause the use, ~~for which such permit was granted, or such authorized existing Special Use~~ to become an illegal use for the property in question, and shall be subject to the enforcement procedures under Section 44.13-1 of this Code.
- K. Revocation of special use permits. In any case where a special use has not been physically undertaken within one (1) year after the date of granting thereof, then without further action by the Council, the special use or authorization thereof shall null and void.
- L. Change of Use. In any case where a special use permit has been granted or where existing special use status has been granted, and the special use has been established, a change in use, from the approved or authorized special use to another use, shall cause the special use permit or existing special use status authorized by Section 44.10-3 of this Code to expire.
- M. Discontinuance of Special Use. When a special use or an existing special use ~~authorized under Section 44.10-3 of this Code~~ is discontinued for six (6) consecutive months, or for eighteen (18) months during a three (3) year period, the special use permit or ~~such authorized~~ existing special use status shall expire.

- N. Destruction of Structure. The removal or destruction of a structure containing a Special Use shall cause the special use permit or the existing special use status ~~authorized under Section 44.10-3 of this Code~~ to expire. Destruction, for the purpose of this subsection, is defined as damage to an extent of **more than fifty percent (50%) of its fair market value** prior to the time of destruction.
- O. Expansion of Use. Expansion of the special use beyond the level of activity stated in the special use permit or beyond the level of activity of the existing special use ~~status authorized by Section 44.10-3 of this Code~~ shall cause the special use permit or such existing special use status to be revoked.

44.17-8 – VARIATIONS

- A. Applicability.
1. The Board of Zoning Appeals ~~hereafter may permit shall have the power to authorize, upon application,~~ variations to ~~the following Sections of this Code: the Schedule of Bulk Regulations (Section 44.6-40); Accessory Buildings and Use Regulations (Section 44.4-4); Lot and Yard Regulations (Section 44.4-5); Landscaping Provisions (Section 44.4-7); Off-Street Parking and Loading Regulations (Division 7); Special Use Regulations (Division 10); Gridley, Allin, & Prickett (GAP) Form-Based Code (Section 44.6-26)~~ except where in conflict with other provisions of this Section, and to allow the enlargement and structural alterations of nonconforming structures ~~(Section 44.4-6)~~. Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent.
 2. The Board of Zoning Appeals may grant ~~variances~~ **variations** only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those Sections of this Code stated herein.
 3. Any and all variations to this Code granted by the Board of Zoning Appeals prior to January 9, 1996 are hereby authorized and validated.
 4. Under no circumstances shall the Board of Zoning Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land expressly or by implication prohibited by the terms of this Code in said zoning district.
- B. Initiation of Application. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council.
- C. Application Requirements.
1. An application for a variation shall be submitted on the form provided by the Office of the City Clerk. The application shall specify the grounds for the variation.
 2. Before the application is filed, a pre-application review by the Community Development Department is required.

3. Applications shall conform to the requirements of Section 44.17-3. The information requested on the application is deemed to be a minimum, and applicants may be required to supply additional information prior to the public hearing on their requests.
- D. Action by Director of Community Development. Upon submission of a complete application, the Director of Community Development shall review the application for compliance with Paragraph G of this Section and other applicable requirements, and prepare a written report.
- E. Action by Board of Zoning Appeals. Upon receipt in proper form of the application and supporting material referred to above, the Board of Zoning Appeals shall hold a least one (1) administrative public hearing on the proposed variation in the manner provided in Section 44.17-5.
- F. Standards for Variations. In granting or denying an application for a variation, and with the exception for sign variations as provided in paragraph G below, the Board of Zoning Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which each of the following items are demonstrated by the applicant. A variation from the terms of this Code shall not be granted by the Board of Zoning Appeals unless and until findings of fact are submitted demonstrating:
 1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
 2. That the variance would be the minimum action necessary to afford relief to the applicant; and
 3. That the special conditions and circumstances were not created by any action of the applicant; and
 4. That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code; and
 5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties.
- G. Conditions of Approval. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this Section, to reduce or minimize the effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this ordinance.
- H. Sign Code Appeals and Variations. ~~Standards for Board Decisions Related to the Sign Code~~
 1. Appeals Without Petition for Variance. In appeals to the Board from decisions of the Administrator denying a sign permit or declaring a sign to be illegal, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of Division 14 of this Code and applicable law and accordingly affirm or reverse the appealed decision. If the Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit or a statement permitting the sign in accordance with its decision.
 2. Appeals with Petition for Variation. In appeals from decisions of the Administrator denying a sign permit or declaring a sign to be illegal in connection with which a variation

- is sought in addition to the review authority in subsection (1), the Board shall have the power and duty to hear, decide and grant or deny the requested variation from the provisions or requirements of **Division 14** of this Code.
3. The Board may grant a variation from the provisions or requirements of Chapter 3 of this Code only where:
 - a) The literal interpretation and strict application of the provisions and requirement of **Division 14** of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question;
 - b) The granting of the requested variation would not be materially detrimental to the property owners in the vicinity;
 - c) The unusual conditions applying to the specific property do not apply generally to other properties in the City;
 - d) The requested variation would not permit the erection of a sign having sign area greater than eight hundred (800) square feet; and
 - e) The granting of the variation will not be contrary to the general objectives set forth in **Division 14** of this Code.
 4. Where there is insufficient evidence in the opinion of the Board to support a finding of “undue and unnecessary hardship: **under subsection (3), subparagraph (a)** of this Section, but some hardship does exist, the Board may consider the requirements fulfilled if:
 - a) The proposed sign is of particularly good design and in particularly good taste with preference being shown for painted bulletins;
 - b) The entire site has been or will be particularly well landscaped and maintained; and
 - c) The sign area of the proposed sign does not exceed three hundred (300) square feet.
 5. In granting the sign variation, the Board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this Code in the public interest.
- I. Decisions.
1. ~~All~~ Decisions of the Board of Zoning Appeals on variations initiated hereunder shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois (735 ILCS 5/3-101, *et. seq.*), except that appeals may be filed in the following certain circumstances:
 1. ~~However,~~ The aggrieved party may appeal to the City Council if a variation is rejected by the vote of fewer than five (5) members of the Board of Zoning Appeals;
 2. The Director of Community Development may appeal to the City Council if he or she believes the Board's decision allowing to approve the variation(s) violates the intent of this Code.
 2. To receive consideration by the City Council, the aggrieved party or the Director of Community Development must file with the City Clerk a "Notice of Appeal" within thirty

(30) days after receiving notice of the Board's action, which shall be substantially in one of the following forms:

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

(Signature)_____

2. Notice of Appeal. The City of Bloomington, McLean County, Illinois, a Municipal Corporation, requests that the City Council review the record of the Board of Zoning Appeals' administrative public hearing and make a final administrative determination thereon. This request is based on my belief that the decision made by the Zoning Board of Appeals granting the variation is invalid.

(Signature)_____

3. If a Notice of Appeal is filed by the aggrieved party or by the Director of Community Development within ten (10) working days from the date on which the Board of Zoning Appeals' decision, rule or order was served, the appeal shall be considered by the City Council and the determination of the Council on the matter shall be final. If no such Notice of Appeal is filed with the City Clerk within said period, the action of the Board of Zoning Appeals shall be final, even if taken by less than five (5) concurring votes.
- J. Expiration. No order of any body granting a variation shall be valid for a period longer than one (1) year from the effective date of such order, unless a building permit for the building or structure for which such variation was granted is obtained from the Director of Community Development within such one (1) year period and unless construction of such building or structure is started and completed in accordance with the terms of such permit. No order granting a temporary use variation shall be valid for a period longer than one (1) year from the effective date of such order.

~~No application for variation which has been denied wholly or in part by the Board of Zoning Appeals or Council shall be submitted for a period of one (1) year from the date of said order of denial except on grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning Appeals. (Ordinance No. 2006-137)~~

44.17-9 – SITE PLAN REVIEW

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

deviations will result in improved site development and will be consistent with the intent and purpose of this Code.

- B. Initiation of Site Plan Review. An application for a site plan review may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council.
- C. Application Requirements.
1. An application for a site plan review shall be submitted on the form provided by the Office of the City Clerk.
 2. Applications shall conform to the requirements of Section 44.17-3. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information.
 3. The site plan shall provide the following information on one or more sheets:
 - a) Location by Section, Town and Range or other legal description;
 - b) Names and addresses of the persons having proprietary interest over the property;
 - c) Graphic (engineering) scale;
 - d) North-points;
 - e) Date of preparation;
 - f) The boundary lines of the property in question;
 - g) Size, location, height, number of stories, building design, and arrangement of proposed buildings and structures and existing buildings and structures;
 - h) Schematic drawings illustrating the locations and dimensions of proposed buildings and structures, the design and character of the building, elevations, exterior building materials and types of construction of all proposed buildings and structures;
 - i) A scaled site plan showing the existing buildings and land uses, contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation and utilities.
 - j) Size and location of proposed parking areas with arrangement of bays and aisles and curb cuts, and with indication of the total number of spaces;
 - k) Size, location and composition of all proposed fencing, refuse enclosures and landscaped screening material;
 - l) Landscaping plan indicating size, location, and general characteristics of plant materials as specified in Division 13 of this Zoning Ordinance if the project would result in new landscaping or landscape changes.
 - m) A site drainage plan for the proposed project if required.
 - n) A photometric/lighting plan for the proposed project if the project would result in new exterior lighting or changes to exterior lighting.
- D. Concurrent Applications. If variations to the bulk, sign and off-street parking and loading regulations of this Code would otherwise be necessary for the development proposal, such proposal shall be exempt from the administrative public hearing on the variation request and such review procedure shall be deemed to occur simultaneously with the Planning Commission's review of the plan. Land uses proposed to be included in a development

requiring a legislative public hearing site plan review which would otherwise be allowed by special use permit only are exempted from the administrative public hearing normally required for such special use permit applications and the Planning Commission shall consider the standards for granting a special use and make a recommendation to the City Council on the granting of such site plan approval, special use and variation and the legislative public hearing

E. Site Plan Review Requiring Legislative Public Hearing. Applications for site plan review required pursuant to Section 44.5-5 shall require a legislative public hearing.

1. Procedure. Legislative public hearings shall be conducted in accordance with Section 44.17-5 of this Code.

2. Recommendation and Decision on Site Plan. In making its recommendation, the city staff, the Planning Commission and, in making its legislative determination, the City Council shall be guided by those purposes for which this Code was adopted and shall endeavor to accomplish those standards and objectives for which this Code is designed and may consider:

a) The extent to which potential incompatibilities between the proposed development and surrounding existing development and/or zoning is minimized by such design features as placement of buildings, parking areas, access driveways and existing or proposed topography.

b) The extent to which the proposal minimizes any adverse impact of the development upon adjoining land, ~~including the hours of use and operation and the type and intensity of activities which may be conducted.~~

c) The extent to which adequately improved streets connected to the improved arterial street system are available or can be reasonably supplied to serve the uses proposed in the development.

~~The extent to which the proposed development is essential or especially appropriate in view of the available alternatives within the City.~~

d) The extent to which the proposed development will favorably or adversely affect other persons or property and, if so, whether because of circumstances peculiar to the location the effect is likely to be greater than is ordinarily associated with the development of the type proposed

3. General Conditions

a) Approval of a site plan by the City Council is required before a building permit is issued. Construction and use of the premises must be in ~~strict~~ accordance with the approved site plan and no occupancy permit shall be issued for any building or structure that is not in conformance with an approved site plan.

b) Minor changes to an approved site plan that do not change the intent or character of development or modify the conditions of approval, such as adjustments to the in the location, siting, and height of structures, the location of parking stalls and loading areas, and the location and species of landscaping may be authorized by the Director of Community Development pursuant to the administrative procedures in Section 44.17-9 F.; ~~however, no such change may involve a change in the character~~

- ~~of the development, or a substantial increase in the intensity of use, reductions of parking spaces or landscaping requirements.~~
- ~~e) It shall be unlawful for the owner of property to which an approved site plan applies to use or permit the use or occupancy of such property in any way except as proposed on the site plan.~~
- d) ~~Non-minor~~ All other changes to an approved site plan in the location, siting, and height of structures and changes in the character of the development or a substantial increase in the intensity of use, reduction of parking spaces, or landscaping shall be made by the City Council. The Council may require the Planning Commission to conduct an additional legislative public hearing and submit a recommendation on such proposed changes or deviations.
- F. Administrative Site Plan Review. The Director of Community Development shall be authorized to conduct site plan review for off-street parking and loading facilities or landscaping as required pursuant to Division 12 and Division 13.
1. The Director may refer any application to the Planning Commission and City Council pursuant to legislative public hearing procedures.
 2. In approving a site plan, the Director of Community Development shall consider the following:
 - a) Consistency with the intent and purpose of this Code and the comprehensive plan;
 - b) The quality of site design and appropriateness of development intensity;
 - c) Adequacy and location of parking areas and pedestrian and vehicular access points;
 - d) Compliance with requirements for easements or dedications;
 - e) Compliance with any applicable subdivision improvements; and
 - f) If applicable, compliance with any development conditions.
 3. The Director's decision on administrative site plan review may be appealed pursuant to the provisions of Section 44.17-12.
- G. Exemptions. The following construction activities shall be exempt from site plan review:
1. Construction of improvements inside buildings ~~in the C-2 & C-3 Districts;~~
 2. Construction of accessory buildings or structures ~~in the C-2 & C-3 Districts;~~
 3. Previously approved site plans showing future additions; and
 4. Construction of telecommunication tower facilities.

44.17-10 – CERTIFICATE OF APPROPRIATENESS

- A. Applicability.
1. A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or property within a historic district may be undertaken:
 - a) Any construction, alteration, or removal requiring a building permit from the City;
 - b) Any demolition in whole or in part requiring a permit from the City;
 - c) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in a historic resource survey or in the ordinance designating the landmark or historic district.

2. Actions that do not alter the exterior architectural appearance of a landmark or property within a historic district, regardless of whether such actions require a building or demolition permit, are exempt from the requirement for a certificate of appropriateness.
 3. Initiation of Application. An application for a certificate of appropriateness may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building or demolition permit or by the City Council or the City staff at the direction of the City Council.
- B. Application Requirements.
1. The application for a certificate of appropriateness shall be submitted on a form provided by the Office of the City Clerk.
 2. Applications shall conform to the requirements of Section 44.17-3. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information.
 3. The following information shall be provided on one more sheets.
 - a) Street address of the property involved.
 - b) Applicant and/or owner's name and address.
 - c) Architect's name if one is utilized.
 - d) Brief description of the present improvements situated on the property and photographs of existing conditions.
 - e) A detailed description of the construction, alteration or demolition proposed, together with any architectural drawings or sketches if those services have been utilized by the applicant and, if not, a description of the construction, alteration or demolition, sufficient to enable anyone to determine what the final appearance of the improvement will be.
- C. Action by Historic Preservation Commission.
1. Every application for a certificate of appropriateness ~~demolition or a building permit, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated landmark or of a property within a designated historic district~~ shall be ~~forwarded by the Director of Community Development transmitted~~ to the Preservation Commission within ~~seven (7) twenty (20) days after the application is deemed complete, unless such timeframe is extended in writing by mutual agreement of the city and applicant. following receipt of the application by the Planning and Code Enforcement Department.~~
 2. The Community Development Department shall not issue the building or demolition permit for a designated landmark or a property within a designated historic district until a certificate of appropriateness has been issued by the Preservation Commission. ~~Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Planning and Code Enforcement to the Preservation Commission or during the review of the application.~~ ~~Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the Office of Director of~~

~~Planning and Code Enforcement. The Preservation Commission shall consider the completed application at its next regular meeting.~~

- D. Standards for Review. In considering an application for a building or demolition permit or for a certificate of appropriateness, the Preservation Commission shall be guided by the design guidelines in Subsection F and any guidelines established in the ordinance designating the landmark or historic district, as well as the following general standards ~~in addition to any design guidelines in the ordinance designating the landmark or historic district~~:
1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose;
 2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;
 3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged;
 4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;
 5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;
 7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken;
 8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project;
 9. Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 10. For landmarks, the Commission shall ensure consistency with the Secretary of Interior's Guidelines for the Treatment of Historic Properties and the Bloomington Architectural Review Guidelines

- E. Design Guidelines. Design guidelines for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:
1. Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;
 2. Proportions of Windows and Doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district;
 3. Relationship of Building Masses and Spaces. The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;
 4. Roof Shape. The design of the roof should be compatible with the architectural style and character of the landmark and of surrounding structures and landscapes in historic districts;
 5. Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts;
 6. Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;
 7. Directional Expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in a district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character;
 8. Architectural Details. Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.
- F. Conditions of Approval. The Preservation Commission may impose such conditions and restrictions upon the certificate of appropriateness as may be necessary to comply with the standards established in this Section, to reduce or minimize the effect of such upon a landmark or historic district, and to better carry out the general intent of this ordinance.
- G. Certificate of Economic Hardship
1. A certificate of economic hardship may be granted by the Preservation Commission when an applicant presents evidence clearly demonstrating that failure to approve a certificate of appropriateness will cause an immediate extreme financial hardship because of conditions specific to the particular structure that is the subject of the application. Upon granting a certificate of economic hardship, the commission may approve or conditionally approve a certificate of appropriateness even though it does not meet the standards set forth in Paragraph D.

2. An application for a certificate of economic hardship shall be made on a form prepared by the Community Development Department-Preservation Commission. ~~The Preservation Commission shall schedule a public hearing concerning the application and provide notice in the same manner as in Section 44.11-2 E. of this Code and any person may testify at the hearing concerning hardship in the same manner as provided by Section 44.11-2 F. of this Code.~~ The applicant shall supply the following minimum information in support of an application for a certificate of economic hardship:
- a) Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;
 - b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - c) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 - d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - f) If the property is income producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - g) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - h) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - i) Assessed value of the property according to the two (2) most recent assessments;
 - j) Real estate taxes for the previous two (2) years;
 - k) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
 - l) Any other information, including the income tax brackets of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

3. The Preservation Commission shall review all ~~the required~~ evidence and information ~~required of an applicant for a certificate of economic hardship, conduct an administrative public hearing,~~ and make a determination on the application within forty-five (45) days of receipt of the completed application unless such timeframe is extended in writing by mutual agreement of the city and applicant. ~~whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by Paragraph B. of Section 44.11-5 of this Code.~~
 4. In order to grant a certificate of economic hardship, the Preservation Commission must find that denial of the proposed certificate of appropriateness would deprive a designated landmark or property within a Historic District of all reasonable use of or return.
 - a) In the case of a proposed removal, relocation or demolition, the Preservation Commission must find that the designated landmark cannot be remodeled or rehabilitated in a manner that would allow a reasonable use of or return from such landmark or property to a property owner.
 - b) The Preservation Commission or Director of Community Development may order that the issuance of a permit for removal, relocation, or demolition be delayed for a period of up to one hundred eighty (180) days in order that such steps may be taken as are reasonably likely to result in the preservation of the building or structure involved. These efforts may include consultation with civic groups, public agencies, and interested citizens, and the exploration of possible acquisition.
- H. Decision of Preservation Commission.
1. The Preservation Commission shall review the application for ~~a building or demolition permit or for~~ a certificate of appropriateness and issue or deny the certificate of appropriateness within forty-five (45) days ~~of receipt of the~~ following transmission of the completed application, unless such timeframe is extended in writing by mutual agreement of the city and applicant.
 2. The Preservation Commission may establish a subcommittee of three (3) of its members to review applications for a certificate of appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant. A certificate of appropriateness may be issued with full authority of the Commission prior to the next regular meeting upon the signature of the Chairman of the subcommittee or upon the signature of the ~~designated staff person~~ review official with his or her written finding that the application is ~~routine as~~ consistent with the standards described in this Section. The Commission may further designate staff support responsible for reviewing routine applications for certificates of appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in Paragraph D. of this Section.
 3. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant ~~and the Planning and Code~~

~~Enforcement Department~~ within seven (7) days following the determination ~~and shall be accompanied by a certificate of appropriateness in the case of an approval.~~

4. A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Preservation Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.
- I. Appeals.
1. ~~Decisions of the Preservation Commission on certificates of appropriateness and certificates of economic hardship shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, et. seq.). However, the Preservation Commission's determination may be appealed to the City Council if such application is rejected by the vote of fewer than five (5) members. A determination by the affirmative vote of less than five (5) members of the Preservation Commission that an applicant for a certificate of appropriateness or for a certificate of economic hardship be denied shall be an administrative decision reviewable by the City Council.~~
 2. An applicant may appeal such decision to the City Council by filing notice of intent to do so with the City Clerk within thirty (30) days after receiving notice of the decision of the Commission.
 3. An appeal from a final administrative decision as defined herein shall be to the Circuit Court as provided in the Administrative Review Act (735 ILCS 5/3-101 et seq.) For purposes of the Illinois Administrative Review Act any of the following shall constitute a final administrative decision:
 - a) A decision of the Bloomington City Council finally disposing of the matter;
 - b) A decision of the Historic Preservation Commission that is not subject to appeal under this Section;
 - c) An appealable decision of the Historic Preservation Commission that has not been appealed to the City Council at the end of the time for appeal to the City Council.

44.17-11 – DEMOLITION REVIEW

- A. Applicability. Except for historic landmarks and buildings located in a historic district, buildings shall be subject to the requirements of this Section where:
1. The proposed demolition exceeds five hundred (500) square feet of gross floor area; and
 2. The building was constructed more than fifty (50) years before the date of the application for a demolition permit, as determined on the basis of available records.
- B. Administrative Review of Demolition. Upon receipt of an application for a demolition permit, or a building permit involving demolition, the Director of Community Development shall

review the application to determine if the building meets the criteria of Paragraph A. If it does, the Director of Community Development shall:

1. Notify the applicant in writing within five (5) days that the application for demolition must be reviewed before proceeding.
 2. Within five (5) days, forward a copy of the application to the Preservation Commission chairman and any standing committee of the Preservation Commission that is empowered to review demolition permits.
 3. Within five (5) days of a receipt of the copy of the application, the chairman 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 chairman or committee determines that the building is potentially significant pursuant to the standards of Subsection 44.8-5 B., a recommendation may be made in opposition to granting the demolition permit.
 4. If the chairman or committee determines that the building is potentially significant, it shall schedule an administrative public hearing before the Preservation Commission to consider the building's historical or architectural significance. Said hearing shall be conducted within thirty-five (35) days of initial submittal of the permit application. The City shall give notice in the manner prescribed by Section 44.17-5.
- C. Public Hearing. The administrative public hearing shall be conducted in accordance with the procedures of Subsection 44.17-5.
1. The Preservation Commission shall hear all public testimony regarding the potential significance of the building and the proposed demolition.
 2. At the conclusion of the hearing, the Commission shall make findings and issue a determination as to the significance of the building.
- D. Decision.
1. If the building is determined to be not significant, the Director of Community Development shall cause such demolition or building permit to be issued, provided that it complies with all other requirements of the Code.
 2. If the building is significant, Director of Community Development shall conduct a meeting between the chairman or committee and the owner (or his or her representative), within ten (10) days of the public hearing, to discuss alternatives to demolition.
- E. Demolition.
1. The demolition review process shall not delay the issuance of a demolition or building permit by more than sixty (60) days.
 2. If no alternatives to demolition have been identified and agreed to by the applicant within said sixty (60) day period, the Director of Community Development shall cause the demolition or building permit to be issued provided that it complies with all other requirements of this Code.
 3. Nothing in this Section shall be construed to prevent immediate demolition or partial demolition where public safety is at risk and where the building has been determined by the Building Official to be a public hazard and demolition is the only viable recourse.

44.17-12 -- ADMINISTRATIVE APPEALS

- A. Authority. The Board of Zoning Appeals shall hear and decide appeals from an administrative order, requirement, or determination made by the Director of Community Development.
- B. Initiation. An administrative appeal may be taken to the Board of Zoning Appeals by any property owner, the City Council, or parties to an enforceable purchase option contract aggrieved by an administrative order, requirement decision, or determination under this Code by the Director of Community Development, provided the terms "any property owner" and "parties to an enforceable purchase option contract" refer to persons with an ownership or contractual interest in the parcel which is the subject of the administrative order, requirement, decision or determination made by the Director of Community Development.
- C. Processing Application Requirements. An administrative appeal shall be filed made by filing a written notice of appeal, specifying the grounds of the appeal, in the Community Development Department, with the Office of the Director of Planning and Code Enforcement and The appeal shall thereafter be forwarded to the Board of Zoning Appeals within twenty (20) days.
- D. Administrative Public Hearing. The Board of Zoning Appeals shall conduct an administrative public hearing in the manner provided by Section 44.13-1 E.3.(b) on all appeals duly initiated hereunder.
- K. Decision.
1. All decisions of the Board of Zoning Appeals on appeals initiated hereunder shall be final and reviewable only in the Courts in accordance with the applicable Statutes of the State of Illinois (735 ILCS 5/3-101, *et. seq.*), except that appeals to the City Council may be filed in the following certain circumstances:
 - a) ~~However,~~ The aggrieved party may appeal to the City Council if ~~his or her appeal~~ an administrative repeal is rejected by the vote of fewer than five (5) members of the Board of Zoning Appeals;
 - b) The Director of Community Development may appeal to the City Council if he or she believes the Board's decision reversing his or her action violates the intent of this Code.
 2. To receive consideration by the City Council, the aggrieved party or the Director of Planning and Code Enforcement must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms:
 - a) Notice of Appeal of Zoning Administration Interpretation
I, the undersigned, appealed an order, requirement, decision or determination of the Director of Planning and Code Enforcement. Less than five (5) members of the Zoning Board of Appeals concurred in the action which rejected my appeal. I, therefore, request that the City Council review the record of the Board of Zoning Appeals' administrative public hearing and make a final administrative determination thereon.

Signature) _____

b) Notice of Appeal of Board of Zoning Appeals Administrative Interpretation

The City of Bloomington, McLean County, Illinois Municipal Corporation, requests that the City Council review the record of the Board of Zoning Appeals' administrative public hearing and made a final administrative determination thereon. This request is based on my belief that the decision made by the Zoning Board of Appeals reversing my action violates the intent of Bloomington City Code Chapter 44.

(Signature) _____

3. If a Notice of Appeal is filed by the aggrieved party or by the Director of Community Development within ten (10) working days from the date on which the Board of Zoning Appeals' decision, rule or order was served, the appeal shall be considered by the City Council and the determination of the Council on the matter shall be final. If no such Notice of Appeal is filed with the City Clerk within said period, the action of the Board of Zoning Appeals shall be final, ~~even if taken by less than five (5) concurring votes.~~

44.17-13 – ZONING ENFORCEMENT OFFICER

- A. Duties. The Director of Community Development shall administer and enforce this Code. He or she may be provided with assistance of such other persons as the City Manager may direct. In furtherance of such authority the Director of Community Development, or his or her designee, shall:

1. Notify in writing any person responsible for violating any of the provisions of this Code, indicating the nature of the violation and ordering the action necessary to correct it;
2. Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions;
3. Issue all building permits, and make and maintain records thereof;
4. Issue all zoning compliance certificates and make and maintain records thereof;
5. Issue all special use permits after they are approved by the Council in accordance with **Division 10** of this Code;
6. Issue all zoning verification letters and maintain records thereof.
7. Conduct inspections of buildings, structures, and use of land to determine compliance with this Code;
8. Maintain permanent and current records pertaining to this Code, including but not limited to, maps, amendments, plans, special uses, variations, appeals, and applications therefor; and designate on the official zoning map each amendment;
9. Provide and maintain a public information bureau relative to all matters arising out of this Code;

10. Receive, file and forward to the Board of Zoning Appeals all applications for appeals, special uses, authorized variations or other matters on which the Board of Zoning Appeals is required to pass under this Code;
 11. Forward to the City Clerk all applications for special use permits, amendments, and other matters which are to be referred to the Board of Zoning Appeals, Historic Preservation Commission or the Planning Commission.
- B. Building Permit Requirements. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Community Development. No building permit shall be issued by the Director of Community Development except in conformity with the provisions of this Code and **Chapters 10 and 24** of the Bloomington City Code, 1960, as amended, unless he or she receives a written order from the Board of Zoning Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment as provided by this Code.

44.17-14 – ZONING COMPLIANCE CERTIFICATE

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

44.17-15 – ZONING VERIFICATION LETTERS

- A. Purpose. A zoning verification letter may be requested from the Community Development by any individual seeking information about the zoning status of a specific parcel of land
- B. Request.
 - 1. The request for a zoning verification shall be submitted in writing, and shall include the following:
 - a) Sufficient information to identify the property including the property address, parcel number, and/or a map indicating the property location;
 - b) Specific list of information requested.
 - c) Administrative fee.
 - 2. If the request covers multiple parcels, the Director of Community Development may determine that each parcel is a separate request and assess additional fees.
- C. Content. A zoning verification letter shall be prepared based upon information on file in the Community Development Department, and shall be limited to the following:
 - 1. The future land use designation of the property;
 - 2. The current zoning district of the property;
 - 3. Verification that a particular use is permitted within the property's current zoning district;
 - 4. Information about special uses, variations, planned unit developments or other parcel-specific regulations that pertain to the site;
 - 5. Zoning action, if any, that is needed to permit a particular use;
 - 6. Any current, outstanding violations that are the subject of code enforcement action.
- D. Errors, Inaccuracies or Omissions. If the Director of Community Development determines that a zoning verification letter was based on inaccurate or misleading information or if the zoning verification letter does not comply with this Code, then, at any time, the Director may issue a modified letter that complies with the Code or revoke the zoning verification letter. No refunds will be provided.
- E. Effect.
 - 1. The zoning verification letter shall not be construed to verify compliance of a parcel with development regulations, parking or landscaping requirements, or to certify legal non-conforming status.
 - 2. A zoning verification letter does not authorize any development activity or use.
 - 3. The determinations made within a zoning verification letter are not subject to appeal.

44.17-16 – COMPLAINTS AND PENALTIES

- A. Compliance Required. All land developed or redeveloped, all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, and all land, buildings, structures, and uses must comply with all applicable provisions of this Code. Failure to comply with applicable provisions constitutes a violation of this Code. The following list of violations is intended to be illustrative, and not limited to the specific items.
 - 1. Development or Redevelopment Violations.
 - a) Engaging in the development or redevelopment of land in any way not consistent with the requirements of this Code.

- b) Erecting a building or other structure in any way not consistent with the requirements of this Code.
 - c) Failure to comply with any condition or stipulation imposed on a permit or approval, including conditions of approval for a map amendment, special use, site plan review, variation, certificate of appropriateness, planned unit development, or other approval.
 - 2. Alterations to Existing Land, Buildings or Structures Violations.
 - a) Modifying, converting, filling, excavating, removing, enlarging, reconstructing, moving or structurally altering land, vegetation, fences, and other site features in any way except as permitted by or pursuant to this Code.
 - b) Modifying, converting, enlarging, reconstructing, demolishing, moving or structurally altering an existing building or structure except as permitted by or pursuant to this Code.
 - 3. Use Violations.
 - a) Using land, buildings or structures in any way except as permitted by or pursuant to this Code.
 - b) Engaging in the use of a building or land or any other activity requiring one or more permits, variance or other approval under this Code without obtaining all such permits, variances or approvals.
 - 4. Compliance Violations.
 - a) Failure to comply with any lawful order issued by the Director of Community Development.
 - b) Failure to arrange for an initial inspection or a re-inspection to determine compliance with notices issued under this Code.
 - c) Failure to comply with any permit, variance, special use, planned development, or approval granted under this Code.
 - 5. Separate Violation. Each act of violation and each day upon which a violation occurs or remains shall constitute a separate violation.
- B. Complaints. In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Code, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Director of Community Development. The Director shall properly record such complaint, immediately investigate and may, if a violation exists, institute any appropriate action or proceeding to:
- 1. Prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
 - 2. Prevent the occupancy of the building, structure or land;
 - 3. Prevent any illegal act, conduct, business, or use in or about the premises; or
 - 4. Restrain, correct or abate the violation.
- C. Enforcement Process.
- 1. Basis of Inspections. Inspections shall be made to obtain and maintain compliance with the provision of this Code based upon one (1) or more of the following:

- a) To determine conformity with a permit, variation, special use or other approval, as well as any special conditions imposed at any time.
- b) The need to determine compliance with a notice or an order issued by the City.
- c) A complaint is received by the City, indicating that there is a violation of the provisions of this Chapter.
- d) An observation by the City of a violation of the provisions of this Code.
- e) An emergency is observed or reasonably believed to exist.
- f) A request for an inspection is made by the owner or responsible person.
- g) Designation of an area where all dwellings, accessory building, yards, and/or signs are to be inspected uniformly or intensively or for specific violations.
- 2. Content of Written Notices. Notices authorized by this Chapter shall:
 - a) Be in writing.
 - b) Include a description of the real estate and/or project name sufficient for identification.
 - c) Include a statement of the violation or violations.
 - d) Include a correction order allowing a reasonable time to correct the violation and bring the property into compliance. If a Notice to Abate, the notice shall indicate that the City may act to abate the violation if not brought into compliance.
 - e) State that failure to comply with the Notice may result in further enforcement action.
 - f) State that a fee shall be charged for the issuance of the Notice. If a Notice to Abate, the cost of City action to abate the violation shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
 - g) Include a description of the right to appeal, as applicable.
- 3. Method of Service. A written notice shall be deemed to be properly served in one (1) of the following ways:
 - a) Delivered personally.
 - b) Sent by first-class mail addressed to the last known address of the responsible person, or
 - c) Any other method authorized for the service of process by court rule or State statute.
- 4. Posting. After issuing a written notice, the City may, but is not required to, post a copy of the written notice and/or a placard on the property.
- 5. Reasonable Entry. If needed, inspections inside a structure, building, dwelling, dwelling unit or accessory building shall be made during reasonable hours. Entry without consent of an owner or an occupant shall require an order of the court as provided by State law.
- D. Penalties. The City may use any lawful remedy or enforcement powers against the owner or responsible person for any violation of this Zoning Ordinance, including, without limitation, one or more of the following. Remedies may be pursued simultaneously or sequentially and the pursuit of one remedy does not foreclose the simultaneous or subsequent pursuit of other remedies. The remedies are cumulative and the City shall have all power granted from time to time under all applicable federal, state and local laws, rules and regulations.
 - 1. Withhold Permit. The City may deny or withhold any and all permits or other forms of authorization from an applicant on any property where there is an uncorrected violation

- of a provision of this Code or of a condition or stipulation of approval for a permit or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
2. Permit Approved with Conditions. In addition to denying or withholding a permit or other authorization, the City may grant such permit or other authorization subject to the condition that the violation be corrected.
 3. Revoke Permit. A permit or other form of authorization authorized under this Code may be revoked when the Zoning Administrator determines that: a) there is departure from the plans, specifications, or conditions required under the permit; b) the permit or other form of authorization was procured by false representation or was issued in error; or c) any of the provisions of this Code are being violated. Any permit or other authorization revoked under this procedure shall become null and void.
 4. Cease and Desist Order. With or without revoking a permit, the Director of Community Development may issue a cease and desist order on any land, building or structure for which there is an uncorrected violation of a provision of this Code. The cease and desist order must be in writing and must state the work in violation that is to be stopped, the reasons for the stoppage, and the conditions under which the work may be resumed.
 5. Court Order. The City Attorney may bring and prosecute an action in any court of competent jurisdiction to: a) enjoin the owner or responsible person from continuing such use, erection, construction, moving or alteration; or if such is being or has been accomplished, the City Attorney shall enjoin the owner or responsible person from maintaining the same; and/or b) comply with the requirements of this Code.
 6. Declaration of Nuisance. A violation of this Chapter is a nuisance per se and the City may institute appropriate actions or court proceedings to correct, or abate any violation of the provisions of this Chapter. If the owner or responsible person fails to abate a violation, the City may take action to abate the violation. The abatement may be performed by the City, by a contract vendor, or by other means determined by the City. The cost of such action, plus an administrative fee, shall be a personal debt of the owner, and may be assessed as a lien against the property until paid.
 7. Performance Guarantee or Surety. If a performance guarantee or surety was previously required as a special condition by the Planning Commission, Zoning Board of Appeals, City Council, or Zoning Administrator, the City may seek forfeiture of the performance guarantee or surety.
 - ~~1. Violation of the provisions of this Code or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with the granting of variations or special uses) shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall constitute a separate offense.~~

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

- ~~2. The owner or tenant of any building structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, anticipates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.~~
- ~~3. The provisions of subsection B. 2. are in addition to such other lawful action as is necessary to prevent or remedy any violation of this Code.~~

This Page Left Blank

BLOOMINGTON ZONING ORDINANCE – DIVISION 1

DIVISION 1. TITLE, INTENT, AND PURPOSE

44.1.1 - Title

44.1.2 – Purpose

44.1.3 – Effective Date

44.1.4 – Severability

44.1.5 – Interpretation

44.1.6 – Application

44.1.1 – TITLE

This Chapter of the Bloomington City Code, 1960, as amended, shall be known, cited and referred to as the Zoning Code of the City of Bloomington, Illinois in this Chapter at times referred to as "this Code."

44.1.2 – PURPOSE

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

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

- A. To provide for the orderly and functional arrangement of land uses and buildings;
- B. To establish standards for the orderly development or redevelopment of geographic areas within the City;
- C. To facilitate the adequate and economical provision of transportation, water, sewage disposal, storm water drainage, schools, parks and other public facilities;
- D. To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;
- E. To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington;
- F. To secure for the public, locations for housing, employment, shopping, education and recreation that are adequate in terms of health, safety, convenience and number;

- G. To conserve and protect the taxable value of land and buildings;
- H. To preserve the integrity of neighborhoods in the community;
- I. To protect the air, water and land resources within the City from the hazards of pollution and misuse;
- J. To protect land and structures from natural hazards including flooding and erosion;
- K. To preserve and protect historic locations, structures and groups of structures;
- L. To preserve and protect and encourage the development of buildings, groups of buildings and neighborhoods of distinctive architectural character and appearance; and
- M. To promote the Comprehensive Plan adopted by the City of Bloomington, Illinois and coordinate said Plan with land use plans adopted by other governmental entities.

44.1.3 – EFFECTIVE DATE

This Chapter shall take effect and be in force on and after [insert date of adoption].

44.1.4 – SEVERABILITY

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

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

44.1.5 – INTERPRETATION

- A. In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements deemed necessary for the promotion of the public health, safety and general welfare.
- B. This Code is not intended to abrogate any easement, covenant or other private agreement, provided that where the regulations of this Code are more restrictive than such easements, covenants, or other private agreements, the requirements of this Code shall govern.
- C. To the extent that a building, structure or use not lawfully existing at the time of the adoption of this Code is in conflict with the requirements of the Code, said building, structure or use shall remain unlawful hereunder.
- D. Where the conditions imposed by any provision of this Code are either more or less restrictive than conditions imposed by any other law, ordinance, resolution, rule or regulation applicable to property or to the use of property with the City of Bloomington, the regulation which is more restrictive, or which imposes the higher standard or requirement shall govern.
- E. In cases where two or more standards in this Chapter conflict with one another, the more restrictive standard shall not necessarily control. Rather, the Director of Community

Development shall determine which standard controls based on the degree to which a particular standard results in:

1. Greater consistency with the goals and objectives contained in the Comprehensive Plan;
 2. The greatest level of compatibility with the intent and purpose of this Code;
 3. Increased compatibility with adjacent development and surrounding community character;
 4. Enhanced environmental quality and natural resources protection;
 5. Greater protection and preservation of historic and cultural resources; and
 6. Higher quality of building form, design and/or architecture.
- F. Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Code. In the case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, or illustration, the text shall govern.

44.1.6 – APPLICATION

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

- A. No person shall hereafter use or occupy a building, structure or land or establish a use or construct, erect, place, structurally alter or maintain any building, structure, or part thereof within the City unless such use, building, structure, or land is in conformity with all the regulations herein specified for the district in which it is located.
- B. It shall be the duty, obligation, and responsibility of the owner of property within the City to permit and maintain its use and occupancy only in strict accordance with the requirements of this Code.
- C. No lot or yard existing on the effective date of this Code shall be reduced in dimension or area below the minimum requirements set forth herein, unless a variation for such reduction is granted by the Board of Zoning Appeals in accordance with Section 44.17-8 of this Code.
- D. Unless otherwise specifically permitted or authorized pursuant to a special use permit or by an approved final plan for a planned unit development, no person shall use any part of a lot, yard or other open space or off-street parking or loading space required about or in connection with any use or structure for the purpose of complying with this Code for any other use or structure.
- E. Any lot or parcel of land which permits residential uses by right or special use permit, shall not be developed into a residential occupancy without first meeting the parkland dedication and reservation requirements of Division VII of the Subdivision Code, Chapter 24.

BLOOMINGTON ZONING ORDINANCE – SECTION 2

SECTION 2. ZONING DISTRICTS AND MAP

44.2.1 – Establishment of Districts

44.2.2 – Official Zoning Map

44.2.3 – District Boundaries

44.2.4 – Forcibly Annexed and Reverted Public Lands

44.2.5 – Replacement of Official Zoning Map

44.2.1 – ESTABLISHMENT OF DISTRICTS

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

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

A. Agricultural Districts:

1. A-Agricultural District

B. Residential Districts:

1. R-1A Single-Family Residence District
2. R-1B Single-Family Residence District
3. R-1C Single-Family Residence District
4. R-2 Mixed Residence District
5. R-3A Multiple-Family Residence District
6. R-3B Multiple-Family Residence District
7. R-4 Manufactured Home Park District

C. Business Districts:

1. B-1 General Commercial District
2. B-2 Local Commercial District
3. C-1 Office District

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

4. D-1 Central Business District
5. D-2 Downtown Transitional District
6. D-3 Downtown Warehouse and Arts District

D. Manufacturing Districts:

1. M-1 Restricted Manufacturing District
2. M-2 General Manufacturing District

E. Public Interest Districts:

1. P-1 University District
2. P-2 Public Lands and Institutions District
3. P-3 Airport District

F. Zoning Overlay Districts:

1. S-1 Aircraft Noise Impact District
2. S-4 Historic Preservation District

44.2.2 – OFFICIAL ZONING MAP

- A. The location and boundaries of the districts provided in this Code as of the (Insert date), the effective date of the Ordinance adopting this Zoning Code (Chapter 44 of the Bloomington City Code, 1960, as amended), are hereby established as shown on the Official Zoning Map and such map and all notations, references and other information shown thereon shall be as to the boundaries of the districts provided herein. Amendments to such map shall be by ordinance duly adopted by the City Council.
- B. Annually, not later than the 31st day of March of each year, the City Council shall, by Resolution cause the publication in pamphlet form of a revised Zoning Map indicating to the practicable changes made during the preceding calendar year.
- C. The original Official Zoning Map shall be the final authority on the zoning status of land, buildings and other structures and land uses within the City as of the effective date of the ordinance adopting this Code. The original Official Zoning Map or after the publication and effective date of an annual Revised Official Zoning Map, the latest Revised Official Zoning Map in effect on a specific date, shall raise a rebuttable presumption as to the zoning status of land, buildings and other structures and land uses within the City as of said date, rebuttable solely and exclusively by the provisions of an Ordinance duly adopted by the City Council after the effective date of this Code (or after the effective date of the Official Zoning Map or after the effective date of any annual revision thereto).
- D. Two (2) copies of the original Official Zoning Map and thereafter two (2) copies of the current Zoning Map are to be kept available for public inspection; one (1) in the Office of the City Clerk and the other in the office of Community Development Department. Each such map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the words: "This is to certify that this Official Zoning Map supersedes

and replaces the Official Zoning Map adopted on (date of adoption of the map being replaced) and is part of Chapter 44 of the Bloomington City Code, 1960, as amended".

44.2.2 DISTRICT BOUNDARIES

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line the boundary shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as approximately following the center line of streams, canals, creeks, or other bodies of water shall be construed to follow such center lines;
- G. Boundaries indicated as parallel to an extensions of features indicated in Subsections A through F above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- H. Where cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through G above, the Zoning Board of Appeals shall interpret the district boundaries;
- I. Where a district boundary line divides a lot in single ownership at the time of the passage of this Code, the Zoning Board of Appeals may extend the regulations of either zoning district beyond the district line into the remaining portion of the lot, provided that the extension shall not apply to any area more than fifty (50) feet beyond the boundary line of the district;
- J. Where, due to the scale, lack of detail, illegibility, or where physical features existing on the ground are at variance with those shown on the Official Zoning Map, and there exists any uncertainty, contradiction or conflict as to the intended location of any boundary as shown thereon, the Director of Community Development shall make an interpretation of said map upon request of any person and within a reasonable period. Any person aggrieved by such interpretation may appeal such interpretation to the Board of Zoning Appeals pursuant to Section 44.17-12.

44.2.4 FORCIBLY ANNEXED AND REVERTED PUBLIC LANDS

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

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

- A. All property hereafter forcibly annexed to the City and without further action of the City Council, shall automatically assume the classification of A – Agricultural District unless otherwise classified by amendment;
- B. Whenever any street, alley or other public way is vacated by the City, the zoning district adjoining each side of such street, alley or other public way shall automatically, and without further action of the City Council, be extended to the center line of such street, alley or other public way existing prior to such vacation.

44.2.5 REPLACEMENT OF OFFICIAL ZONING MAP

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

BLOOMINGTON ZONING ORDINANCE – DIVISION 3

DIVISION 3. AGRICULTURAL DISTRICT REGULATIONS

44.3-1 – Purpose and Intent

44.3-2 – Agricultural District - Permitted and Special Uses

44.3-3 – Agricultural Bulk and Site Standards

44.3-4 – General Standards

44.3-5 - Development Standards Applicable to Agricultural Districts

44.3-1 – PURPOSE AND INTENT

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

44.3-2 – AGRICULTURAL DISTRICTS - PERMITTED AND SPECIAL USES

Refer to Division **44.16** Definitions for clarity on the uses listed.

- A. Land Uses. Uses are allowed in the A- Agricultural District in accordance with Table **44.3-2(A)**. The following key is to be used in conjunction with the Use Table.
1. Permitted Uses. A “P” indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Ordinance.
 2. Special Uses. An “S” indicates that a use is permitted, though its approval requires review by the City Council as required in Division **44.17**, subject to compliance with all other requirements of this Ordinance and contingent upon conditions of approval which may be imposed by the city.
 3. Uses Not Permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.
 4. Use Regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with **Division 44.17**.
 5. Unlisted Uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated

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

pursuant to Division 44.17 to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table.

TABLE 44.3-2(A): AGRICULTURAL DISTRICT – PERMITTED AND SPECIAL USES		
	A	Reference
Agricultural		
Agriculture	P	
Apiary, Beekeeping	P	44.10-5
Aquaculture, Aquaponics, Hydroponics	P	
Animal Breeding Services	S	
Fish Hatcheries, Poultry Hatcheries	P	
Forestry	P	
Horticultural Services	P	
Urban Agriculture	P	
Urban Garden	P	
RESIDENTIAL		
Household Living		
Dwelling, Single-Family	P	
INSTITUTIONAL		
Government		
Government Services and Facilities	P	
Police Stations, Fire Stations	P	
Religious		
Place of Worship	S ¹	
Cemetery and Columbarium	S	44.10-10
RECREATIONAL		
Country Clubs, Golf Clubs, Golf Courses	S	44.10-15
Fairgrounds, Agricultural Exhibits	S	44.10-16
Parks and Recreation Facilities	P	
Riding Stables, Riding Schools	P	
Swimming Pools, Community	S	44.10-30
COMMERCIAL		
Personal Services		
Veterinary Office or Clinic	S	44.10-33
Retail and Service		
Roadside Markets	P	
INDUSTRIAL		
Transportation		
Airport and Landing Fields	S	44.10-3
Heliports, Heliport Terminals	S	
Utilities		
Commercial Solar Energy Conversion Facilities	P	44.10-29
Commercial Wind Energy Conversion Facilities	S	44.10-34
Private Solar Energy Conversion Facilities	P	44.10-29
Private Wind Energy Conversion Facilities	P	44.10-34
Wireless Communication Facilities	S	44.10-35

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

1. Maximum permitted height is forty-five (45) feet or three (3) stories, whichever is lower.

44.3-3 – AGRICULTURAL BULK AND SITE STANDARDS

- A. Site Dimensions Table. All development in Agricultural District must comply with the requirements in Table 44.3-3(A) and Diagram 44.3-3(A) unless otherwise expressly stated.

TABLE 44.3-3(A): AGRICULTURAL DISTRICT BULK AND SITE STANDARDS								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (s.f.)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
A	150'	1 acre	50'	20'	50'	1 acre	35'	2.5

44.3-4 – GENERAL STANDARDS

- On-Site Development Standards. See Division 44.9 – General Provisions for various on-site development standards such as exterior lighting requirements, permitted encroachments, accessory uses and structures.
- Use Provisions. See Division 44.10 – Use Provisions for standards governing permitted and special uses.
- Off-Street Parking and Loading. See Division 44.12 – Off-Street Parking and Loading for standards governing off-street parking and loading.
- Landscaping. See Division 44.13 – Landscaping and Screening for standards regarding landscaping and screening.
- Signs. See Division 44.14 - Signs for standards governing the type, placement, size, and scale of signs.

44.3-5 – DEVELOPMENT STANDARDS APPLICABLE TO AGRICULTURAL DISTRICTS

(RESERVED)

BLOOMINGTON ZONING ORDINANCE – DIVISION 4

DIVISION 4. RESIDENTIAL DISTRICT REGULATIONS

44.4-1 – Purpose and Intent

44.4-2 – Residential Districts - Permitted and Special Uses

44.4-3 – Residential Bulk and Site Standards

44.4-4 – General Standards

44.4-5 – Development Standards Applicable to Residential Districts

44.4-1 – PURPOSE AND INTENT

A. R-1A Single-Family Residence District

The R-1A Residence District is intended to provide for the establishment of areas characterized by large lot single-family dwellings for occupancy by families, and related recreational, religious, and cultural facilities that serve the immediately surrounding residents, as well as those living in the district. The R-1A district provides for approximately two (2) dwelling units per acre.

B. R-1B Single-Family Residence District

The R-1B Residence District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwellings for occupancy by families. In addition to these dwellings, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development. The R-1B district allows densities of up to approximately six (6) dwelling units per acre.

C. R-1C Single-Family Residence District

The R-1C Residence District is intended to provide primarily for the establishment of areas of higher density single-family detached dwellings while recognizing the potential compatibility of two-family dwellings as special uses. Densities of approximately eight (8) dwelling units per acre are allowed. This district may be applied to newly developing areas as well as the older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

D. R-2 Mixed Residence District

The R-2 Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling density.

Densities of up to approximately thirteen (13) dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

E. R-3A Multiple-Family Residence District

The R-3A Residence District is intended to facilitate the development of residential districts for primarily multiple-family dwellings which may generally serve as a zone of transition between non-residential districts and residential districts of more moderate density. This district is further intended to provide for the needs of persons desiring multiple-family dwellings at densities from twelve (12) to twenty-nine (29) dwelling units per acre.

F. R-3B Multiple-Family Residence District

The R-3B Residence District is intended to allow for areas of highly concentrated multiple-family residential development. This district provides for more intense land usage in areas where lower density development is deemed neither appropriate nor economical. It is further intended for this district to provide multiple-family dwellings in mid-rise structures for those persons desiring to live in such an environment. Allowing densities of up to seventy (70) dwelling units per acre, this district may be applied to areas best suited for such intense residential usage, principally on the fringes of the Bloomington Central Business District. It may also be applied to other areas in the City where comparable physical arrangements of land uses are present.

G. R-4 Manufactured Home Park District

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

44.4-2 – RESIDENTIAL DISTRICTS - PERMITTED AND SPECIAL USES

Refer to Division **44.16** Definitions for clarity on the uses listed.

A. Land Uses. Uses are allowed in the Residential Districts in accordance with Table **44.4-2(A)**.

The following key is to be used in conjunction with the Use Table.

1. Permitted Uses. A “P” indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Ordinance.
2. Special Uses. An “S” indicates that a use is permitted, though its approval requires review by the City Council as required in Division **44.17**, subject to compliance with all other requirements of this Ordinance and contingent upon conditions of approval which may be imposed by the city.

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

3. Uses Not Permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.
4. Use Regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with **Division 44.17**.
5. Unlisted Uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Division **44.17** to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table.

TABLE 44.4-2(A): RESIDENTIAL DISTRICTS – PERMITTED AND SPECIAL USES								
	R-1A	R-1B	R-1C	R-2	R-3A	R-3B	R-4	Reference
Agricultural								
Urban Agriculture					S	S		
Urban Garden			P	P	P	P	P	
RESIDENTIAL								
Household Living								
Dwelling, Single-Family	P	P	P	P	P	P		
Dwelling, Single-Family Attached				S	P	P		
Dwelling, Two-Family			S	P	P	P		
Dwelling, Multiple-Family				S	P	P		
Mobile Homes							P	
Dwelling, Accessory								
Live/Work Unit						S		
Group Living								
Agency Supervised Homes			P		S	S		44.10-18
Agency-Operated Family Homes	P	P	P	P	P	P		44.10-18
Agency-Operated Group Homes				S	P	P		44.10-18
Convents, Monasteries				S	S	P		44.10-18
Dormitories				S	S	P		44.10-18
Group Homes for Parolees	S	S	S	S	S	S	S	44.10-18
INSTITUTIONAL								
Education								
Pre-schools	S	S	S	S	S	S	S	
Government								
Government Services and Facilities	P	P	P	P	P	P	P	
Police Stations, Fire Stations	P	P	P	P	P	P	P	
Religious								
Place of Worship	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	
Cemetery and Columbarium	S	S	S	S	S	S	S	44.10-10
Residential-Type								
Domestic Violence Shelter				P	P	P		
Home for the Aged					S	S		44.10-18
Other Institutional, Cultural								

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

	R-1A	R-1B	R-1C	R-2	R-3A	R-3B	R-4	Reference
Clubs and Lodges						S		
Food Pantry						S		44.10-17
RECREATIONAL								
Country Clubs, Golf Clubs, Golf Courses	S	S	S	S	S	S	S	44.10-15
Community Center					S	S	S	44.10-12
Parks and Recreation Facilities	P	P	P	P	P	P	P	
Swimming Clubs					S	S	S	
Swimming Pools, Community	S	S	S	S	S	S	S	44.10-30
COMMERCIAL								
Entertainment and Hospitality								
Sports and Fitness Establishments					S	S	S	44.10-12
Lodging								
Bed & Breakfast Establishments					S	S		44.10-7
Boarding and Rooming Houses				S	S	P		44.10-18
Offices								
Medical or Dental Office or Clinic						S		44.10-23
Medical Laboratory						S		
Personal Services								
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.						S ²	S ²	
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.						S ²	S ²	
Day Care Centers	S	S	S	S	S	S	S	
Retail and Service								
Drug Stores and Pharmacies						S ²	S ²	
Grocery Stores, Supermarkets						S ²	S ²	
INDUSTRIAL								
Utilities								
Public or Private Utility Facility, Minor	P	P	P	P	P	P	P	
Private Solar Energy Conversion Facilities	P	P	P	P	P	P	P	44.10-29
Wireless Communication Facilities	S	S	S	S	S	S	S	44.10-35

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

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

44.4-3 – RESIDENTIAL BULK AND SITE STANDARDS

- A. Site Dimensions Table. All development in Residential Districts District must comply with the requirements in Tables 44.4.3-A through 44.4-3(D) and Diagrams 44.4-3(A) through 44.4-3(D), unless otherwise expressly stated.

TABLE 44.4-3(A): BULK AND SITE STANDARDS R-1 DISTRICTS								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (s.f.)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-1A	125'	22,500	40'	16'	40'	22,500	35'	2.5
R-1B	70'	7,000	30'	6'	30'	7,000	35'	2.5
R-1C	50'	5,400	25'	6'	25'	5,400	35'	2.5

Diagram 44.4-3(A): Required Yards for R-1 Districts

(insert diagram)

TABLE 44.4-3(B): BULK AND SITE STANDARDS R-2 DISTRICT								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (s.f.)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-2								
Detached Residential	50'	6,600	25'	6'	25'	6,600	35'	2.5
Attached and Multi-Residential	75'	7,000	25'	6'	25'	3,300	35'	2.5
Other Uses	50'	7,000	25'	6'	25'	7,000	15'	1

Diagram 44.4-3(B) Required Yards for R-2 District

(insert diagram)

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

TABLE 44.4-3(C): BULK AND SITE STANDARDS R-3 DISTRICTS

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

1. Adjacent to any parcel improved with a single family or two-family dwelling, the maximum permitted height is reduced to fifty-five (55) feet or four (4) stories, whichever is lower.

Diagram 44.4-3(C) Required Yards for R-4 District

(insert diagram)

TABLE 44.4-3(D): BULK AND SITE STANDARDS R-4 DISTRICT

District	Lot Characteristics		Site Design			Development Intensity	
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (s.f.)	Max. Building Height

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

			Min.	Min.	Min.		Feet	Stories
R-4	40'	4,100	10	5	5	-	25'	2

Diagram 44.4-3(D) Required Yards for R-4 District

(insert diagram)

44.4.4 – GENERAL STANDARDS

- A. On-Site Development Standards. See Division 44.10 – General Provisions for various on-site development standards such as exterior lighting requirements, permitted encroachments, accessory uses and structures. In addition to the requirements of Division 44.10, and Subsection 44.4.3, the following regulations apply to residential front yards.
 1. Where lots comprising 50% of a block frontage in a residence district are improved with buildings, the required front yard shall be the average of front yard depths of residences on each developed site on the block frontage. For the purposes of this section, a traffic control device, block numbering system or street curve in excess of a forty-five (45) degree angle may be considered as a line of demarcation.
 2. Lots rezoned to the R-3A, R-3B and R-4 District that are adjacent to a lot in the R-1A, R-1B, R-1C or R-2 District shall provide transitional front, side and rear yards as follows:
 - a) Front Yard: equal to the required front yard of the adjacent R-1A, R-1B, R-1C or R-2 District
 - b) Side Yard: equal to ten (10) feet plus the required minimum side yard of the adjacent R-1A, R-1B, R-1C or R-2 District.
 - c) Rear Yard: equal to fifteen (15) feet plus the required minimum rear yard of the adjacent R-1A, R-1B, R-1C or R-2 District
- B. Use Provisions. See Division 44.11 – Use Provisions for standards governing permitted and special uses
- C. Off-Street Parking and Loading. See Division 44.13 – Off-Street Parking and Loading for standards governing off-street parking and loading. In addition to the requirements of Division 44.13, the following regulations apply to residential driveways.
 1. Required off-street parking spaces for residential uses shall be located on the same lot as the use requiring such parking or on an adjoining lot. Except as provided in Subsection 2 below, required off-street parking spaces in residence districts shall be located on the same lot as the use requiring such parking. At least one (1) parking space for each single-family dwelling hereafter constructed shall be located within a roofed structure such as a carport or garage.
 2. Off-street parking spaces shall be located as follows:
 - a) All new and approved off-street parking spaces and driveways shall be located at least three (3) feet from any side lot line. All legal nonconforming driveways may be reconstructed, but not expanded, at their existing location.

- b) In the R-1A, R-1B, R-1C and R-2 Districts, no off-street parking shall be permitted in the front yard except on approved driveways of single-family, two-family, and attached single-family dwellings. On driveways leading to only one (1) legal off-street parking space, the parking of no more than two (2) cars side-by-side is allowed only under the following conditions:
 - 1. The driveway must be paved;
 - 2. The width of the driveway approach and the driveway at the sidewalk must be a minimum of sixteen (16) feet and shall not exceed twenty-four (24) feet. The required width shall be maintained to a sufficient length to allow parking of cars on private property. Existing driveways less than sixteen (16) feet wide may be flared to the required width and length without widening the driveway approach only if plans are approved by the Director of Community Development.
 - 3. Parked vehicles shall not overhang or extend over public sidewalks.
- c) In all other districts, no off-street parking spaces shall only be permitted on approved driveways in the required front yards, unless otherwise provided by this Code.
- D. Landscaping. See Division 44.14 – Landscaping and Screening for standards regarding landscaping and screening.
- E. Signs. See Division 44.15 - Signs for standards governing the type, placement, size, and scale of signs.

44.4-5 – DEVELOPMENT STANDARDS APPLICABLE TO RESIDENTIAL DISTRICTS

- A. Temporary Sales. Temporary sales that may be allowed in residential districts are garage sales, auction sales of real estate or estate disposition, and neighborhood block sales that do not use public right-of-way. Such sales may be conducted so long as the following requirements are met:
 - 1. No more than three (3) garage/group sales are held on the same premises during any calendar year.
 - 2. The duration of said sales is limited to no more than three (3) consecutive days or two (2) consecutive weekends and during daylight hours.
 - 3. A group sale shall be considered as having been conducted for and by all premises from which merchandise is contributed or on which merchandise is sold.
 - 4. The Director of Community Development or his or her appointee may enter any premises within the City of Bloomington to determine compliance with this Section or any applicable Code and may terminate said sale if violations are found; and
 - 5. Sound systems can only be used at an auction.

BLOOMINGTON ZONING ORDINANCE – DIVISION 5

DIVISION 5. BUSINESS DISTRICT REGULATIONS

44.5-1 – Purpose and Intent

44.5-2 – Permitted Uses

44.5-3 – Business District Bulk and Site Standards

44.5-4 – General Standards

44.5-5 – Development Standards Applicable to Business Districts

44.5-1 – PURPOSE AND INTENT

A. B-1 General Commercial District

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

B. B-2 Local Commercial District

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

C. C-1 Office District

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

D. D-1 Central Business District

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

E. D-2 Downtown Transitional District

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

F. D-3 Downtown Warehouse and Arts District

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

44.5-2 – PERMITTED USES

Refer to Division 44.17 Definitions for clarity on the uses listed.

- A. Land Uses. Uses are allowed in the Business Districts in accordance with Table 44.5-2(A). The following key is to be used in conjunction with the Use Table.
1. Permitted Uses. A “P” indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Ordinance.
 2. Special Uses. An “S” indicates that a use is permitted, though its approval requires review by the City Council as required in Division 44.18, subject to compliance with all other requirements of this Ordinance and contingent upon conditions of approval which may be imposed by the city.
 3. Uses Not Permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.
 4. Use Regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Division 44.18.
 5. Unlisted Uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Division 44.18 to establish parameters for permitting such use within the City of Bloomington.
- B. Allowed Uses Table.

TABLE 44.5-2(A): BUSINESS DISTRICTS – PERMITTED AND SPECIAL USES

1. The dwelling is allowed only as a residence for watchmen or caretakers of business or industrial uses permitted in that zoning district
2. The use is permitted only when located above the first story above grade
3. Maximum permitted height is forty-five (45) feet or three (3) stories, whichever is lower.
4. A Special Use is required when the use adjoins a Residential District boundary line.
5. The use is allowed in the zoning district represented by that column provided that no lot line of the lot to be occupied by such use shall be located closer than 1,000 feet to the lot line of a lot occupied by a Sexually Oriented Entertainment Business, ~~an adult cabaret, an adult hotel/motel, an adult lingerie modeling studio, an adult media store, an adult modeling studio, an adult motion picture theater,~~ or other Sexually Oriented Business, ~~a sex shop, or a sexually oriented entertainment business~~ and further provided that no lot line of the lot to be occupied by such use shall be located closer than 500 feet to the lot line of a lot used for a Commercial Recreation Facility, ~~an amusement center, an amusement park,~~ a Day Care Center, ~~children's home,~~ children's museum, ~~orphanage,~~ Agency-Operated Family Home, Agency-Operated Group Home, Agency-Supervised Home, ~~child care facility, foster care home,~~ hobby shop or toy store, ~~institutional home for the care of children, nursery school,~~ Pre-school, Public or Private School, Boarding School, ~~elementary school, junior high school, senior high school,~~ Park or Recreation Facility, ~~playground, gymnasium~~ Sports and Fitness Establishment, Community Center, ~~recreation center, a miniature golf course,~~ Place of Worship, ~~religious education facility,~~ Residential Dwelling, ~~skating rink,~~ or Hospital or Zoo.
6. The use is allowed in that zoning district only as an accessory use occupying not more than forty percent (40%) of the floor area of any story within a Business, Office or Residential Building or combination thereof;
7. The use is allowed in that zoning district only as an accessory use occupying not more than twenty-five percent (25%) of the floor area of any story within an Office or Residential Building or combination thereof;

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

8. The use is permitted as a principal use provided that the maximum height of the wireless communication facility shall not exceed one (1) foot for each two (2) feet that such wireless communication facility is set back from Protected Residential Property.

44.5-3 – BUSINESS DISTRICT BULK AND HEIGHT STANDARDS

- A. Site Dimensions Table. All development in Business Districts must comply with the requirements in Tables 44.5-3(A) and 44.5-3(B), and Diagram 44.5-3(A) and 44.5-3(B), unless otherwise expressly stated.

TABLE 44.5-3(A): BULK AND SITE STANDARDS B-1, B-2 AND C-1 DISTRICTS								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Floor Area Ratio (FAR)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
B-1	-	-	-	0' or min. 5' if side yard is provided; or 1/3 of building height for buildings > 3 stories		0.8		
B-2	-	-	-	0' or Min. 5' if side yard is provided; or 1/3 of building height for buildings > 3 stories		0.5	30'	2
C-1	-	-	20'	0' or min. 5' if side yard is provided; or 1/3 of building height for buildings > 3 stories	20'	1.0		

Diagram 44.5-3(A): Required Yards for B-1, B-2, C-1 Districts

(insert diagram)

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

TABLE 44.5-3(B): BULK AND SITE STANDARDS D-1, D-2, D-3 DISTRICTS									
District	Lot Characteristics		Site Design				Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Yard (F)		Side Yard (S)	Rear Yard (R)	Floor Area Ratio (FAR)	Max. Building Height	
			Min.	Max.	Min.	Min.		Feet	Stories
D-1	25'	-	-	5'	-	-	12.0		
D-2									
<i>In General</i>	40'	-	5'	15'	5'	5'		65'	6
<i>Adjoining Res. District</i>	40'	-	15'	25'	Min. 6'; or 1/3 of building height for buildings > 3 stories	Min. 12'; or 1/3 of building height for buildings > 3 stories		55'	4
D-3									
<i>In General</i>	50'	-	-	15'	5'	5'		55'	4
<i>Adjoining Res. District</i>	50'	-	15'	25'	Min. 6'; or 1/3 of building height for buildings > 3 stories	Min. 12'; or 1/3 of building height for buildings > 3 stories		55'	4

Diagram 44.5-3(B): Required Yards for D-1, D-2, D-3 Districts

(insert diagram)

44.5-4 – GENERAL STANDARDS

- A. On-Site Development Standards. See Division 44.10 – General Provisions for various on-site development standards such as exterior lighting requirements, permitted encroachments, temporary sales, accessory uses and structures. In addition to the requirements of Division 44.10 and Table 44.5-3(A), the following regulations apply.
1. Lots zoned to the B-1, B-2 and C-1 District that are adjacent to a Residential District shall provide transitional front, side and rear yards as follows:
 - a) Front Yard adjoining a Residential District: equal to the required front yard of the adjacent Residential District
 - b) Side Yard adjoining a Residential District: equal to ten (10) feet plus the required minimum side yard of the adjacent Residential District.
 - c) Rear Yard adjoining a Residential District: equal to fifteen (15) feet plus the required minimum rear yard of the adjacent Residential District.
 2. The transitional yard shall be maintained free of buildings, structures, parking facilities or outdoor storage; provided, however, that parking may be permitted in a rear transitional

yard if such parking is located no closer than ten (10) feet from the rear property line and screening is provided pursuant to Division 13.

- B. Use Provisions. See Division 44.11 – Use Provisions for standards governing permitted and special uses.
- C. Off-Street Parking and Loading. See Division 44.13 – Off-Street Parking and Loading for standards governing off-street parking and loading. In addition, the following regulations apply:
 - 1. In the D-1 District, off-street parking areas shall not occupy any space between the building facade and a public street.
 - 2. In the D-2 and D-3 Districts, off-street parking areas may be located to the side or rear of a building but shall not occupy any space between the building façade and the front property line.
- D. Landscaping. See Division 44.14 – Landscaping and Screening for standards regarding landscaping and screening.
- E. Signs. See Division 44.15 - Signs for standards governing the type, placement, size and scale of signs.

44.5-5 – DEVELOPMENT STANDARDS APPLICABLE TO BUSINESS DISTRICTS

- A. Site Plan Review. Development proposals meeting the following criteria shall be subject to Site Plan Review in accordance with the requirements of Division 44.18.
 - 1. New development, infill or redevelopment in any Business District.
 - 2. Building or site alteration in any Business District that includes one or more of the following:
 - a) Expansion of the floor area or height of any building or structure by 20% or more.
 - b) Alterations to off-street parking areas that increase or decrease the number of parking spaces by 20% or more.
 - c) Exterior alterations that substantially modify a building's architectural appearance, including alteration of exterior building materials, rooflines or window openings.
 - d) Other significant changes to site access, landscaping, parking and site characteristics as determined by the Zoning Administrator.
- B. Regulations Applicable to the D-1, D-2 and D-3 Districts.
 - 1. Building Characteristics in the D-1 District
 - a) The primary ground-floor entrance shall face a public street.
 - b) A building façade shall occupy at least ninety-five percent (95%) of the front setback line
 - c) Clear, non-reflective windows shall comprise at least seventy-five percent (75%) of the front façade between two (2) and eight (8) feet above the sidewalk.
 - d) All entries shall be recessed from the front building wall a minimum of three (3) and a maximum of eight (8) feet deep, and be no greater than eight (8) feet in width.

- e) Any building that exceeds twenty-five (25) feet in width along a public street shall be designed to appear as a series of two or more buildings no wider than twenty-five (25) feet each.
 - f) Loading docks, overhead doors and other service entry areas are prohibited on street-facing building facades.
 - g) Exterior storage and refuse facilities shall not adjoin a public street or sidewalk. Such facilities shall be fully screened on all sides by an opaque enclosure.
2. Building Characteristics in the D-2 District
- a) The primary ground-floor entrance shall face a public street.
 - b) For commercial and recreational buildings: clear, non-reflective windows shall comprise at least fifty percent (50%) of the front façade between three (3) and nine (9) feet above the sidewalk.
 - c) For residential buildings: clear, non-reflective windows shall comprise at least twenty percent (20%) of the front façade between three (3) and nine (9) feet above the sidewalk.
 - d) Any building that exceeds fifty (50) feet in width along a public street shall be designed to appear as a series of two or more buildings no wider than fifty (50) feet each.
 - e) A building façade shall occupy at least sixty percent (60%) of the front setback line
 - f) Loading docks, overhead doors and other service entry areas are prohibited on street-facing building facades.
 - g) Exterior storage and refuse facilities shall not adjoin a public street or sidewalk. Such facilities shall be fully screened on all sides by an opaque enclosure.
3. Building Characteristics in the D-3 District
- a) The primary ground-floor entrance shall face a public street.
 - b) A building façade shall occupy at least forty percent (40%) of the front setback line
 - c) Exterior storage and refuse facilities shall not adjoin a public street or sidewalk. Such facilities shall be fully screened on all sides by an opaque enclosure.

BLOOMINGTON ZONING ORDINANCE – DIVISION 6

DIVISION 6. MANUFACTURING DISTRICT REGULATIONS

44.6-1 – Purpose and Intent

44.6-2 – Permitted Uses

44.6-3 – Manufacturing District Bulk and Site Standards

44.6-4 – General Standards

44.6-5 – Development Standards Applicable to Manufacturing Districts

44.6-1 – PURPOSE AND INTENT

A. M-1 Restricted Manufacturing District

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

B. M-2 General Manufacturing District

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

44.6-2 – PERMITTED USES

Refer to Division **44.16** Definitions for clarity on the uses listed.

A. Land Uses. Uses are allowed in the Public Interest Districts in accordance with Table **44.6-2(A). The following key is to be used in conjunction with the Use Table.**

1. Permitted Uses. A “P” indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Ordinance.
2. Special Uses. An “S” indicates that a use is permitted, though its approval requires review by the City Council as required in Division **44.17**, subject to compliance with all other requirements of this Ordinance and contingent upon conditions of approval which may be imposed by the city.

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

3. Uses Not Permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.
4. Use Regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with **Division 44.17**.
5. Unlisted Uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Division **44.17** to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table.

TABLE 44.6-2(A): MANUFACTURING DISTRICT – PERMITTED AND SPECIAL USES			
	M-1	M-2	Reference
Agricultural			
Apiary, Beekeeping	S		44.10-5
Aquaculture, Aquaponics, Hydroponics	P	P	
Animal Breeding Services	P ¹	P ¹	
Fish Hatcheries, Poultry Hatcheries	P ¹	P ¹	
Horticultural Services	P	P	
Urban Agriculture	P	P	
Urban Garden	P		
RESIDENTIAL			
Household Living			
Dwelling, Single-Family	P ²	P ²	
Dwelling, Multiple-Family	S	P ²	44.6-4
INSTITUTIONAL			
Education			
Business and Trade Schools	P		
Government			
Animal Detention Facilities, w/o outdoor exercise area	P ¹	P ¹	
Animal Detention Facilities, with outdoor exercise area	S	S	44.10-4
Government Services and Facilities	P	P	
Military Bases, Depots, Communication Facilities	S	S	
Police Stations, Fire Stations	P	P	
Residential-Type			
Adult and Juvenile Detention Facilities	S	S	
COMMERCIAL			
Aircraft and Automotive			
Car Wash	P ¹	P	44.10-9
Farm Machinery Sales and Service	P ¹	P ¹	
Towing Services		S	
Truck Stops, Truck Plazas	P ¹		
Truck Wash	P ¹	P ¹	
Vehicle Fueling Station	P	P	

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

	M-1	M-2	Reference
Vehicle Repair and Service	P ¹	P ¹	44.10-34
Vehicle Rental Service	P ¹	P ¹	
Vehicle Sales and Service	P ¹	S	
Vehicle Salvage and Wrecking Operations		P ¹	
Vehicle Storage	P ¹	P ¹	
Entertainment and Hospitality			
Entertainment and Exhibition Venues	S		44.6-4
Sports and Fitness Establishments	S		44.6-4
Offices			
Financial Services	P		
General Offices, Business or Professional	P	P	
Medical or Dental Office or Clinic	P	P	44.10-24
Medical Laboratory	P	P	
Printing, Copying and Mailing Services	P	P	
Research Facility or Laboratory	S	P ¹	
Personal Services			
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.	P	P	
Instructional Studios	S		44.6-4
Kennels, with no outdoor exercise areas	P ¹	P ¹	
Kennels, with outdoor exercise areas	S	S	44.6-4
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.	P	P	
Pet Care: Grooming, day care, training	P	P	
Veterinary Office or Clinic	P ²	P ²	
Day Care Centers	S		44.6-4
Retail and service			
Artisanal/Craft Production and Retail	P	P	
Auction Houses	P	P	
Bars, Taverns, Nightclubs	P ¹	P	
Building Materials and Supplies	P	P	
Catering Services	P	P	
Manufactured and Mobile Home Sales	P	P	44.10-23
Medical Marijuana Dispensing Organization	P ¹	P ¹	
Mobile Food and Beverage Vendor	P	P	44.10-27
Professional Office Furniture Sales	P	P	
Restaurants, Cafeterias	P	P	
Retail Sales, General	S	S	44.6-4
Retail sales, Outdoor	S		44.6-4
Specialty Food Shops	S	S	44.6-4
INDUSTRIAL			
Manufacturing and Production, Light			
Apparel, Fabrics, Leather Industries	P	P	
Commercial Cleaning and Repair Services	P	P	
Commercial Community Kitchen	P	P	
Crematories	S ³	S ³	
Electronics Assembly Plants	P	P	
Fabricated Metal Industries	S	P ¹	
Furniture and Fixtures Industries	P	P	

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

	M-1	M-2	Reference
Lumber and Wood Industries	P	P	
Professional, Scientific Industries	P	P	
Secondary Manufacturing Assembly Plants	S	P	
Textile Mill Products Industries	P	P ¹	
Trade and Construction Services	P	P	
Wholesaling, Distribution and Storage Facilities	P ¹	P ¹	
Manufacturing and Production, Heavy			
Asphaltic Concrete Plants		S	44.10-6
Chemicals and Allied Industries		P	
Food and Kindred Industries	S	P	
Paper and Allied Products Industry	P	P	
Petroleum Refining, Related Uses		S	
Mining, Quarrying		S	44.10-25
Primary Metal Industries		P	
Recycling Facility		S	44.10-28
Refractory Lined Pit Burners	S	S	44.10-29
Refuse Disposal Services	S	S	44.10-28
Rubber and Plastic Industries		P	
Sanitary Landfills		S	44.10-28
Solid Waste Disposal Area		S	44.10-28
Stone, Clay, Glass Industries	S	P	
Waste Transfer Station		S	44.10-28
Storage and Equipment Yards			
Aircraft Storage	P	P	
Composting Facility	P	P	
Junk Yards		S	44.10-22
Marine Craft Storage, Marinas	P ¹	P ¹	
Mini Warehouses	P ¹	P ¹	44.10-26
Parking Lot, Commercial	P ¹	P ¹	
Petroleum Products Storage	P	P	
Railroad Marshalling Yards		S	
Transportation			
Bus and Taxi Passenger Terminals	P		
Heliports, Heliport Terminals	S	S	
Rail Passenger Terminals	P		
Utilities			
Electricity or Natural Gas Production Plant	P	S	
Nuclear Power Plant		S	
Private Solar Energy Conversion Facilities	P	P	44.10-31
Private Wind Energy Conversion Facilities	P	P	44.10-36
Public or Private Utility Facility, Minor	P	P	
Radio, Television Stations-Towers	P	P	
Wireless Communication Facilities	P ⁴	P ⁴	44.10-37

1. A Special Use is required when the use adjoins a Residential District boundary line.
2. The dwelling is allowed only as a residence for watchmen or caretakers of business or industrial uses permitted in that zoning district
3. A structure containing a Crematory shall be located no closer than three hundred (300) feet to a Residential District boundary line.

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

4. The use is permitted as a principal use provided that the maximum height of the Wireless Communication Facility shall not exceed one (1) foot for each two (2) feet that such Wireless Communication Facility is set back from Protected Residential Property.

44.6-3 – SITE DEVELOPMENT STANDARDS

- A. Site Dimensions Table. All development in Manufacturing Districts must comply with the requirements in Table 44.6-3(A) and Diagram 44.6-3(A) unless otherwise expressly stated.

TABLE 44.6-3(A): BULK AND SITE STANDARDS MANUFACTURING DISTRICTS								
District	Lot Characteristics		Site Design			Development Intensity		
	<i>Min. Lot Width (W)</i>	<i>Min. Lot Area (s.f.)</i>	<i>Front Yard (F)</i>	<i>Side Yard (S)</i>	<i>Rear Yard (R)</i>	<i>Floor Area Ratio (FAR)</i>	<i>Max. Building Height</i>	
			<i>Min.</i>	<i>Min.</i>	<i>Min.</i>		<i>Feet</i>	<i>Stories</i>
M-1	-	-	20'	Min. 5' or 1/3 of building height for buildings > 3 stories		1.0	-	-
M-2	-	-	-	-		1.0	-	-

44.6-4 – GENERAL STANDARDS

- A. On-Site Development Standards. See Division 44.9 – General Provisions for various on-site development standards such as exterior lighting requirements, permitted encroachments, temporary sales, accessory uses and structures. In addition to the requirements of Division 44.10 and Table 44.6-3(A), the following regulations apply.
 1. Lots zoned to the M-1 and M-2 District that are adjacent to a Residential District shall provide transitional front, side and rear yards as follows:
 - a) Front Yard adjoining a Residential District: equal to the required front yard of the adjacent Residential District
 - b) Side Yard adjoining a Residence District: equal to ten (10) feet plus the required minimum side yard of the adjacent Residential District.
 - c) Rear Yard: adjoining a Residential District equal to fifteen (15) feet plus the required minimum rear yard of the adjacent Residential District.
 2. The transitional yard shall be maintained free of buildings, structures, parking facilities or outdoor storage; provided, however, that parking may be permitted in a rear transitional yard if such parking is located no closer than ten (10) feet from the rear property line and screening is provided pursuant to Division 13.
- B. Use Provisions. See Division 44.10 – Use Provisions for standards governing permitted and special uses.
- C. Off-Street Parking and Loading. See Division 44.12 – Off-Street Parking and Loading for standards governing off-street parking and loading.
- D. Landscaping. See Division 44.13 – Landscaping and Screening for standards regarding landscaping and screening.

- E. Signs. See Division 44.14 - Signs for standards governing the type, placement, size and scale of signs.

44.6-4 – DEVELOPMENT STANDARDS APPLICABLE TO MANUFACTURING DISTRICTS

A. Industrial Transition Areas.

1. Purpose. Industrial Transition Areas are those areas where, due to changes in adjoining land use or infrastructure over time, the use and development of parcels has shifted from strictly manufacturing to a mix of lower intensity uses such as offices and commercial.
2. Location. Parcels in the M-1 District that abut vacated rail right-of-way that has been converted to public use (e.g., Constitution Trail) or a Residential District are considered Industrial Transition Areas.
3. Land Use. Land uses permitted in said Industrial Transition Areas shall be those listed in the M-1 District. For residential, entertainment and hospitality, personal services and retail and service uses that require a special use, the Board of Zoning Appeals shall consider the following factors, in addition to the standards in Section 44.17-7:
 - a) Whether the proposed use is compatible with adjoining uses and will not suffer from nor impose new conflicts associated with noise, lighting, odors, hours of operation, vehicle movement and pedestrian safety, or additional factors specific to the location of the special use.
 - b) Whether an adequate buffer is provided on the subject property, with respect to physical separation and visual screening, to minimize visual impacts associated with adjoining lawful manufacturing uses.
 - c) Whether noise attenuation, barriers, and other mitigating factors shall be installed in new buildings for noise sensitive uses (such as dwellings and offices) to reduce noise impacts associated with adjoining lawful manufacturing uses.
 - d) Whether any site contamination exists on the subject property that may present an immediate or future impact to the health and safety of building occupants.

B. Outdoor Storage

1. Outdoor storage of merchandise, materials, equipment and vehicles is permitted in a Manufacturing District subject to the conditions provided herein.
2. Screening for outdoor storage areas shall be provided in accordance with the provisions of Section 44.13-8 C.
3. Outdoor storage areas shall be paved with a hard surface consistent with the standards of Section 44.12-6 F., except that storage of landscape and building materials associated with horticultural services and building materials and supply establishments may be placed on an alternate surface of gravel or decomposed granite.

BLOOMINGTON ZONING ORDINANCE – DIVISION 7

DIVISION 7. PUBLIC INTEREST DISTRICT REGULATIONS

44.7-1 – Purpose and Intent

44.7-2 – Permitted Uses

44.7-3 – Public Interest District Bulk and Site Standards

44.7-4 – General Standards

44.7-5 – Development Standards Applicable to Public Interest Districts

44.7-1 – PURPOSE AND INTENT

A. P-1 – University District

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

B. P-2 – Public Lands and Institutions District

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

C. P-3 – Airport District

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

44.7-2 – PERMITTED USES

Refer to Division **44.16** Definitions for clarity on the uses listed.

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

- A. Land Uses. Uses are allowed in the Public Interest Districts in accordance with Table 44.7-2(A). The following key is to be used in conjunction with the Use Table.
1. Permitted Uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Ordinance.
 2. Special Uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Division 44.17, subject to compliance with all other requirements of this Ordinance and contingent upon conditions of approval which may be imposed by the city.
 3. Uses Not Permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.
 4. Use Regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Division 44.17.
 5. Unlisted Uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Division 44.17 to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table.

TABLE 44.7-2(A): PUBLIC INTEREST DISTRICTS – PERMITTED AND SPECIAL USES				
	P-1	P-2	P-3	Reference
Agricultural				
Agriculture	P	P	P	
Apiary, Beekeeping	S	S	S	44.10-5
Forestry	P	P	P	
Horticultural Services			P	
Urban Agriculture	S	P	P	
Urban Garden	P	P	P	
RESIDENTIAL				
Household Living				
Dwelling, Single-Family	P			
Dwelling, Single-Family Attached	P	P		
Dwelling, Two-Family	P			
Dwelling, Multiple-Family	P	P		
Group Living				
Agency Supervised Homes	P	S		44.10-18
Agency-Operated Family Homes	P	P		44.10-18
Agency-Operated Group Homes		P		44.10-18
Barracks		P		44.10-18
Convents, Monasteries		P		44.10-18
Dormitories		P		44.10-18
INSTITUTIONAL				
Education				
Pre-schools	P	P		

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

	P-1	P-2	P-3	Reference
Schools, public and private	P	P		
Boarding Schools	P	P		
Business and Trade Schools	P			
College and University Classrooms	P			
College and University Facilities	P			
Government				
Animal Detention Facilities, w/o outdoor exercise area		P ¹		
Animal Detention Facilities, with outdoor exercise area		S		44.10-4
Courthouses		P		
Government Services and Facilities	P	P	P	
Military Bases, Depots, Communication Facilities		P	P	
Police Stations, Fire Stations	P	P	P	
Adult Detention Facility, accessory and attached to Police Station		S		
Religious				
Place of Worship	P ²	P ²		
Cemetery and Columbarium		P		44.10-10
Health				
Ambulatory Surgical Treatment Center	P			
Hospital or Medical Center	S	S		
Residential-Type				
Adult and Juvenile Detention Facilities		S		
Domestic Violence Shelter	P			
Home for the Aged		S		44.10-18
Other Institutional, Cultural				
Clubs and Lodges	P	S	P	44.10-11
Food Pantry	P	P		44.10-17
Libraries	P	P	P	
Museums and Cultural Institutions	P	P	P	
Zoos		P ¹		
RECREATIONAL				
Country Clubs, Golf Clubs, Golf Courses	S	P	P	44.10-15
Community Center	P	P	P	44.10-12
Fairgrounds, Agricultural Exhibits		S		44.10-16
Parks and Recreation Facilities	P	P	P	
Swimming Clubs	S		S	
Swimming Pools, Community	P	P		44.10-30
COMMERCIAL				
Aircraft and Automotive				
Aircraft Sales and Service			P	
Vehicle Fueling Station			S	
Vehicle Rental Service			3 P	
Vehicle Storage			P	
Entertainment and Hospitality				
Commercial Recreation Facilities	P			
Entertainment and Exhibition Venues	P	P ¹		
Miniature Golf Courses		6		
Sports and Fitness Establishments	P	S	P	44.10-12

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

	P-1	P-2	P-3	Reference
Theaters and Auditoriums	P			
Lodging				
Bed & Breakfast Establishments	S			44.10-7
Boarding and Rooming Houses	P			44.10-18
Hotel or Motel	S			44.10-20
Offices				
Financial Services			P ³	
General Offices, Business or Professional			P	
Medical or Dental Office or Clinic	P			44.10-23
Printing, Copying and Mailing Services	P		P	
Recording and Broadcast Studios			P	
Personal Services				
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.			3	
Instructional Studios	P	S		
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.		S ⁴	P ³	
Day Care Centers	P	S	P ³	
Retail and Service				
Bars, Taverns, Nightclubs			P ³	
Catering Services	P		P	
Drug Stores and Pharmacies	P		P ³	
Mobile Food and Beverage Vendor	P	P	P	44.10-26
Restaurants, Cafeterias	P		P ³	
Retail Sales, General			P ³	
Specialty Food Shops			P ³	
INDUSTRIAL				
Manufacturing and Production, Light				
Electronics Assembly Plants			P	
Trade and Construction Services			P ³	
Wholesaling, Distribution and Storage Facilities			1 P	
Storage and Equipment Yards				
Aircraft Storage			P	
Composting Facility		P		
Marine Craft Storage, Marinas			P	
Mini Warehouses			P	44.10-25
Parking Lot, Commercial	P	P	P	
Petroleum Products Storage			P	
Transportation				
Airports and Landing Fields	S		P	44.10-3
Airport Passenger Terminals	S		P	
Bus and Taxi Passenger Terminals	P		P ³	
Heliports, Heliport Terminals	S	S	P	
Rail Passenger Terminals			P ³	
Utilities				
Commercial Solar Energy Conversion Facilities	P	P	S	44.10-29
Electricity or Natural Gas Production Plant	P		P S	
Private Solar Energy Conversion Facilities	P	P	P	44.10-29

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

	P-1	P-2	P-3	Reference
Private Wind Energy Conversion Facilities	P	P		44.10-34
Public or Private Utility Facility, Minor	P	P	P	
Radio, Television Stations-Towers	P			
Wireless Communication Facilities	P ⁵	S	P ⁵	44.10-35

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

44.7-3 – SITE DEVELOPMENT STANDARDS

- A. Site Dimensions Table. All development in Public Interest Districts must comply with the requirements in Table 44.7-3(A) and Diagram 44.7-3(A) unless otherwise expressly stated.

TABLE 44.7-3(A): BULK AND SITE STANDARDS PUBLIC INTEREST DISTRICTS								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Yard (F)	Interior Side Yard (S)	Rear Yard (R)	Floor Area Ratio (FAR)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
P-1	-	-	-	0' or min. 5' if side yard is provided; or 1/3 of building height for buildings > 3 stories		1.0	-	-
P-2	-	-	-	0' or min. 5' if side yard is provided; or 1/3 of building height for buildings > 3 stories		1.0	-	-
P-3	Comply with FAA Regulations and Airport Hazard Zoning Regulations for Bloomington-Normal Airport		125	125	125	Comply with FAA Regulations and Airport Hazard Zoning Regulations for Bloomington-Normal Airport		

44.7-4 – GENERAL STANDARDS

- A. On-Site Development Standards. See Division 44.10 – General Provisions for various on-site development standards such as exterior lighting requirements, permitted encroachments, temporary sales, accessory uses and structures. In addition to the requirements of Division 44.10 and Table 44.7-3(A), the following regulations apply.
1. Lots in the P-1, P-2 and P-3 Districts that are adjacent to a Residential District shall provide a transitional front, side or rear yard equal to the minimum required front, side or rear yard of the adjacent Residential District.

2. Lots rezoned to the P-1, P-2 and P-3 Districts that are adjacent to a Residential District shall provide transitional front, side and rear yards as follows:
 - a) Front Yard adjoining a Residential District: equal to the required front yard of the adjacent Residential District
 - b) Side Yard adjoining a Residential District: equal to ten (10) feet plus the required minimum side yard of the adjacent Residential District.
 - c) Rear Yard adjoining a Residential District: equal to fifteen (15) feet plus the required minimum rear yard of the adjacent Residential District.
- B. Use Provisions. See Division 44.11 – Use Provisions for standards governing permitted and special uses.
- C. Off-Street Parking and Loading. See Division 44.13 – Off-Street Parking and Loading for standards governing off-street parking and loading.
- D. Landscaping. See Division 44.14 – Landscaping and Screening for standards regarding landscaping and screening.
- E. Signs. See Division 44.15 - Signs for standards governing the type, placement, size and scale of signs.

44.7-5 – DEVELOPMENT STANDARDS APPLICABLE TO PUBLIC INTEREST DISTRICTS

A. Discontinuance of Use. Whenever any use of property in a P-1 or P-2 district, whether permitted, special or nonconforming, is discontinued for a period of eighteen (18) months, the zoning classification of such property shall, as of the first day of discontinuance of such use, revert to the classification of R-1A. The City Council, upon petition for a map amendment as provided in Section 44.13-2 of this Code, shall rezone such property to any appropriate zoning classification.

BLOOMINGTON ZONING ORDINANCE – DIVISION 8

DIVISION 8. ZONING OVERLAY DISTRICT REGULATIONS

44.8-1 – Purpose and Intent

44.8-2 – SD-1 Aircraft Noise Impact District

44.8-3 – Reserved (Form-Based Code overlay district)

44.8-3 – SD-3 Historic Preservation District

44.8-1 – PURPOSE AND INTENT

A. SD-1 Aircraft Noise Impact District

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

B. (Reserved)

C. SD-3 Historic Preservation District

The intent of this SD-3 Historic Preservation District is to promote the-protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value. The City of Bloomington finds that the preservation of such resources is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of its citizens. This SD-3 Historic Preservation District shall be applied as an overlay district in combination with underlying base zoning districts as shown on the Official Zoning Map. The purpose of the ~~S-4~~ SD-3 Historic Preservation District is to:

1. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of such districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
2. Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
3. Stabilize and improve property values;
4. Foster civic pride in the beauty and noble accomplishments of the past;
5. Protects and enhance the City's attractions to residents, home buyers, tourists, and visitors and shoppers, thereby supporting and promoting business, commerce and industry;

6. Strengthen the economy of the City; and
7. Promote the use of historic districts and landmarks for education, pleasure, and welfare of the people of the City.

44.8-2 – SD-1 AIRCRAFT NOISE IMPACT DISTRICT

- A. Designation of District. The SD-1 Aircraft Noise Impact District shall be established as an overlay zone in combination with all other zoning districts which lie within the boundaries of Airport Noise Impact Zones as established by the Official Zoning Map. The boundaries of the Airport Noise Impact Zones are in part, determined by the location of 60 Ldn and 65 Ldn noise contours as designated on the Official Zoning Map. Where a specific noise contour is referenced as a determinant of the Airport Noise Impact Zone and/or the regulations pertaining thereto, said noise contours will be identified by the year in which the measurements and computations deriving said noise contour were made. If no date is associated with a noise contour, the reference is to the most recently derived noise contour of the given value.
- B. Restricted Uses.
 1. Areas within the 65 Ldn or higher Airport Noise Impact Zone. The development or construction of any new child care facility, residential building, structure designed or intended for overnight stay, or similar use as determined by the Zoning Administrator is prohibited.
 2. Areas between the 60 Ldn and 65 Ldn Airport Noise Impact Zones. ~~All~~ Any new child care facility, residential building, structure designed or intended for overnight stay, or similar use as determined by the Zoning Administrator meet the following standards.
 - a) Buildings shall be constructed with the following sound insulation materials to address the goal of achieving a day/night average maximum interior noise level of 45 dBA and to meet or exceed the following Sound Transmission Class (STC) ratings:
 1. exterior walls shall meet the STC rating of at least 30;
 2. exterior doors shall include a storm door or meet the STC rating of at least 28;
 3. exterior windows shall meet the STC rating of at least 28;
 4. a minimum of R-30 insulation shall be provided in the attic with soffit wind baffles or the roof shall meet the STC rating of 39.
 - b) Basement windows shall be insulated glass or have windows well covers;
 - c) Fireplaces shall be provided with a well-fitted damper or fireplace doors if a damper is not allowed by City Code; and
 - d) Central air conditioning shall be provided.
- C. Variations. The City shall consult and obtain a written recommendation from the Bloomington-Normal Airport Authority prior to consideration of any variation to this Section 44.8-2. The Construction Board of Appeals shall be responsible for reviewing variations of the provisions of this Section 44.8-2 pertaining to building construction and/or acoustical

insulation. The Board of Zoning Appeals shall be responsible for reviewing all other variations of this Section 44.8-2 not pertaining to building construction or sound insulation.

44.8-3 – RESERVED

44.8-4 – SD-3 HISTORIC PRESERVATION DISTRICT

A. Applicability.

1. The SD-3 Historic Preservation District is an overlay district which shall be applied in combination with one or more underlying base zoning districts, as shown on the Official Zoning Map. The SD-3 Historic District designation may be applied to a single property (historic landmark) or group of properties (historic district) subject to the nomination process defined herein.
2. In an SD-3 ~~S-4~~ Historic Preservation District, all regulations of the underlying Agriculture District, Residence District, Business District, Manufacturing District or Public Interest District shall apply, except insofar as such regulations are in conflict with the special regulations applicable to the SD-3 Historic Preservation District, and in the event of such conflict, the regulations governing such SD-3 District shall apply. All permitted uses or special uses otherwise allowable in the underlying Agriculture District, Residence District, Business District, Manufacturing District or Public Interest District shall continue to be allowable uses except as provided in the designating ordinance, described in Section 44.8-4(B)(6) of this Code.

B. Designation of Landmarks and Historic Districts.

1. Nominations. A nomination for a historic landmark or historic district may be submitted by a member of the Preservation Commission, owner of record of the nominated property or structure, City Council, or any other person or organization and shall be made on a form prepared by it by the Preservation Commission.
2. Criteria for Consideration of Nominations. The Preservation Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, or area possesses sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration and meets one (1) or more of the following criteria:
 - a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois or the United States of America (the Nation);
 - b) Its location as a site of a significant local, county, state, or national event;
 - c) Its identification with a person or persons who significantly contributed to the development of the City, County of McLean, State of Illinois, or the Nation;
 - d) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

- e) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois or the Nation;
 - f) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
 - g) Its embodiment of design elements that make it structurally or architecturally innovative;
 - h) Its unique location or singular physical characteristics that make it an established or familiar visual feature;
 - i) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and/or
 - j) Its suitability for preservation or restoration.
3. Preservation Commission Review Procedures.
- a) Timeline. Within forty-five (45) days from receipt of a completed nomination, unless as extended by mutual agreement of the property owner(s), applicant and Director of Community Development, the Preservation Commission shall conduct a public hearing on the nomination of a historic landmark or historic district.
 - b) Public Notice. Notice of the public hearing shall be distributed at least fifteen (15) days prior to the hearing, in the following manner:
 - 1. By mail. Notice shall be sent by mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated historic landmark or historic district. Notice shall include the date, time, place, and purpose of the public hearing and a copy of the completed nomination form.
 - 2. Newspaper. Notice shall also be published in a newspaper having general circulation in the City. Notice shall include the date, time, place and purpose of the public hearing and shall state the street address and legal description of the nominated landmark and/or the boundaries of a nominated historic district.
 - c) Public Hearing. Oral or written testimony concerning the significance of the nominated historic landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The owner of any nominated landmark or of any property within a nominated historic district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.
 - d) Recommendation and Report. Within sixty (60) days from receipt of a completed nomination, the Preservation Commission shall make findings and a recommendation as to whether the nominated landmark or historic district meets the criteria for designation and adopt such findings by resolution. The resolution shall be accompanied by a report to the Planning Commission containing the following information:

1. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
 2. Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
 3. In the case of a nominated landmark found to meet the criteria for designation:
 - i. The significant exterior architectural features of the nominated landmark that should be protected;
 - ii. The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of **Section 44.11-5** of this Code.
 4. In the case of a nominated historic district found to meet the criteria for designation:
 - i. The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;
 - ii. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of **Section 44.11-5** of this Code.
 5. Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district;
 6. The relationship of the nominated landmark or historic district to the ongoing effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation;
 7. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district;
 8. A map showing the location of the nominated landmark and the boundaries of the nominated historic district.
- e) Transmittal to Planning Commission. The recommendations and report of the Preservation Commission shall be sent to the Planning Commission within seven (7) days following the vote on the resolution and shall be available to the public in the Office of the City Clerk.
4. Planning Commission Review Procedures.
- a) Timeline. The Planning Commission shall schedule a public hearing on the nomination within thirty (30) days following receipt of a report and recommendation from the Preservation Commission regarding a nomination for a historic landmark or historic district
 - b) Public Notice. Notice of the public hearing shall be distributed at least fifteen (15) days prior to the hearing, in the following manner:
 1. By mail. Notice shall be sent by mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated historic landmark or historic district. Notice shall include the date, time, place, and purpose of the public hearing and a copy of the completed nomination form.

2. Newspaper. Notice shall also be published in a newspaper having general circulation in the City. Notice shall include the date, time, place and purpose of the public hearing and shall state the street address and legal description of the nominated landmark and/or the boundaries of a nominated historic district.
- c) Public Hearing. Oral or written testimony concerning the significance of the nominated historic landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The Preservation Commission may present expert testimony or present its own evidence regarding the compliance of the nominated historic landmark or historic district with the criteria for consideration of a nomination set forth in Section 44.8-4(B)(2). The owner of any nominated landmark or of any property within a nominated ~~preservation~~ historic district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.
- d) Determination by Planning Commission. Within thirty (30) days following close of the public hearing, the Planning Commission shall make a determination, based upon the evidence presented, as to whether the nominated historic landmark or historic district meets the criteria for designation. Such a determination shall be passed by resolution of the Planning Commission and shall be accompanied by a report stating the findings of the Planning Commission concerning the relationship between the criteria for designation in Section 44.8-4(B)(2). and the nominated historic landmark or historic district and all other information required by Section 44.8-4(B)(3). A concurring vote by a two-thirds (2/3) of Planning Commission members then holding office shall be required to reach a determination that a nominated historic landmark or historic district does not meet the criteria for designation.
- e) Notification of Determination. Within seven (7) days following determination by the Planning Commission, notice of the Planning Commission's determination, including a copy of the commission's resolution and report, shall be sent to the following parties:
 1. by regular mail to the nominator, owner of record of a nominated historic landmark and/or all owners of record of properties within a nominated historic district; and
 2. by hard copy or electronic transmittal to the City Council.
5. Appeal. A determination by the Planning Commission that the nominated historic landmark or historic district does not meet the criteria for designation shall be a final administrative decision reviewable under the Illinois Administrative Review Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated historic district may within thirty (30) days after the postmarked date of the notice of the determination, file with the City Clerk a written appeal to the Council pursuant to the procedures contained in Section 44.18 of this Code.
6. City Council Action

- a) Timeline. The City Council shall act upon a nomination to designate a historic landmark or historic district, or upon an appeal of the Planning Commission's findings to deny such nomination, within sixty (60) days after receiving the Planning Commission's recommendation or a written appeal. The Council's action to deny historic designation or to reject an appeal shall be made in the form of a resolution; approval shall be made by ordinance. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the Council's action.
 - b) Public Hearing. The City Council may hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in Paragraphs a) and b) of this Section 44.8-4(B)(4).
 - c) Notification of Action. Within seven (7) days following City Council action on a nomination or appeal, the City Clerk shall provide written notification of the action of the Council by regular mail to the nominator, the appellant, and/or the owner(s) of record of the nominated landmark or of all owners of record of properties within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the Council. A copy of each designation ordinance shall be sent to the Preservation Commission, the Planning Commission, and the Director of Community Development.
 - d) Designating Ordinance. Upon designation, the historic landmark or historic district shall be classified as a "SD-3 Historic Preservation District" overlay district as provided in Section 44.8-4(A) of this Code. The designating ordinance may prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; and sign regulations. Procedures for issuance of certificates of appropriateness are contained in Section 44.18 of this Code.
7. Interim Control. No building permit shall be issued by the Director of Community Development for alteration, construction, demolition, or removal of a nominated historic landmark or of any property or structure within a nominated historic district from the date of the Preservation Commission meeting at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare, or safety. Unless extended by mutual agreement of the property owner(s), applicant and Director of Community Development, the delay of the permit shall not exceed one hundred eighty (180) days.
- C. Amendment and Rescission of Designation. Designation may be amended or rescinded upon petition to the Preservation Commission and compliance with the same procedure and according to the same criteria set forth herein for designation.
- D. Bulk Regulations.
- 1. The following bulk regulations shall apply to all permitted uses:
 - a) Lot Regulations. To the extent that existing lot patterns, including lot size, shape, and orientation, contribute to the character of the SD-3 Historic Preservation District, it is

the intent of this Section to encourage continuation of such patterns and prevent future fragmentation of land ownership in a manner that would be inconsistent with, or have adverse effects on such character.

1. Lots or portions of lots existing at the time of the SD-3 Historic Preservation District designation may be combined subject to compliance with the designating ordinance and the general exceptions cited in Section 44.10-2 of this Code.
 2. Lots or combinations of lots or portions thereof may only be reduced in width, depth, or area subject to compliance with the standards of the underlying zoning district, the designating ordinance, and approval by the Preservation Commission in accordance with the procedures defined in Section 44.18 of this Code.
- b) Yard Regulations. Subject to the general exceptions cited by Section 44.10-2 of this Code and compliance with the standards of the underlying zoning district and designating ordinance, front yards, side yards, rear yards or portions thereof may be reduced in width, depth, or area only upon approval by the Preservation Commission in accordance with the procedures defined in Section 44.18 of this Code.
- c) Height Regulations
1. Existing Buildings or Structures. Subject to the general exceptions cited by Section 44.10-2 of this Code and compliance with the standards of the underlying zoning district and designating ordinance, the height of buildings or structures or portions thereof may be altered only upon approval by the Preservation Commission in accordance with the procedures defined in Section 44.18 of this Code.
 2. New Buildings or Structures. Subject to the general exceptions cited by Section 44.10-2 of this Code and compliance with the standards of the underlying zoning district and designating ordinance, a building or structure ~~to~~ may be constructed, placed or erected to any height above grade only upon approval by the Preservation Commission in accordance with the procedures defined in Section 44.18 of this Code.
- d) Building Permit Review. A building permit authorizing a new building or structure, or an exterior alteration or addition to any existing building or structure shall only be issued by the Director of Community Development subject to compliance with the designating ordinance and subsequent to review and approval by the Preservation Commission in accordance with the procedures defined in Section 44.18 of this Code.

BLOOMINGTON ZONING ORDINANCE – DIVISION 9

DIVISION 9. GENERAL PROVISIONS

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

44.9-1 – APPLICABILITY

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

44.9-2 – GENERAL EXCEPTIONS

- A. Building Under Construction. Where a building permit has been lawfully issued prior to the effective date of this Code, and if construction is begun within six (6) months of the effective date of this Code and is diligently pursued thereafter, said building or structure may be completed in accordance with approved plans and may be occupied by the use originally intended. If the building, structure, or use is non-conforming, it shall be subject to the provisions of Division 44.12 of this Code.
- B. Uses and Structures Permitted in All Districts. The following uses and structures are permitted in all districts: light poles, traffic regulatory signs, directional signs, street name signs, utility poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, railroad rights-of-way containing railroad tracks, public rights-of-way, temporary buildings at construction sites (but only for the period for such construction), gas regulator stations, sewage lift stations, water wells and pumping stations. However, installation of the above-mentioned uses shall conform with all other applicable federal, state, or local government rules and regulations not included in this Code.
- C. Height Regulation Exemptions. The following uses and structures are exempted from the height regulations in this Code: spires, belfries, cupolas, water tanks, flag poles, public monuments, chimneys, ventilators, or other appurtenances usually required to be placed

above the roof level and not intended for human occupancy. Heights for signs shall be regulated by **Chapter 3** of the Bloomington City Code, 1960, as amended.

- D. Conversion Back to Single-Family Dwelling. It shall be permitted to convert any structure originally designed as a single-family dwelling back to a single-family dwelling in any zoning district established by Chapter 44, **Section 44.5-5.1** of the Bloomington City Code, 1960, as amended. Such conversion shall be allowed regardless of past or present use of the structure, or the zoning district which is regulating that use.

44.9-3 – LOTS AND YARDS

- A. The minimum yard space required for one (1) structure or use shall not again be considered as the yard of any other, including an adjoining structure or use.
- B. Yards required by this Code shall be located on the same lot as the principal building or use.
- C. No lot shall hereafter be divided into two (2) or more lots and no part of a lot shall be sold unless all lots resultant lots conform to all yard regulations in the district where the lot is located.
- D. The right-of-way of any public roadway, public alley or public accessway that exists by dedication, recorded easement, or prescription and that is located on the lot shall not be included as part of the required yard.
- E. When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.

44.9-4 – PERMITTED ENCROACHMENTS

- A. Permitted Encroachments in Required Yards. No obstructions shall be allowed in any yard required by this Code. However, the following shall not be considered obstructions when located in the required yards specified, subject to the applicable requirements of **Table 44.9-5** and this **Division 44.9**.

TABLE 44.9-5: PERMITTED ENCROACHMENTS			
Encroachment	Front Yard	Side Yard	Rear Yard
Accessory buildings and uses as provided in Section 44.9-9 of this Code	No	No	Yes
Advertising signs, devices, and nameplates in accordance with Chapter 3 of the Bloomington City Code,	Yes	No	No
Agricultural use	Yes - Excludes buildings & structures		
Air conditioning compressors	Yes	Yes	Yes
Arbors, trellises, trees, shrubs, and similar landscaping features	Yes	Yes	Yes
Awnings or canopies	Projecting $\leq$ 25% of required yard depth		

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

Bay windows	Projecting ≤ 3 feet into required yard	No	Projecting ≤ 3 feet into required yard
Canopies over fuel pumps; fuel, air, and water pumps in conjunction with automobile service stations	Set back ≥ 13 ft from front lot line	No	No
Chimneys	Projecting ≤ 2 ft. into required yard		
Detached residential garages and carports	No	No	Yes
Eaves and Gutters	Yes	Projecting ≤ 2 ft. into required yard	Yes. Accessory structure eaves & gutters set back ≥ 2 ft from lot line.
Fences as provided in Section 44.9-11 of this Code	Yes	Yes	Yes
Off-street parking facilities as provided in Division 7 of this Code	No	Yes	Yes
Balconies, open porches, terraces, and decks	Projecting ≤ 10 ft into required yard	No	Yes
Refuse storage areas (dumpsters)	No	Yes ¹	Yes
Sills, belt cornices, and other similar architectural features	Extending ≤ 18 " into required yard		
Steps, fire escapes, ramps necessary for access	Yes	Yes	Yes
Swimming pools, tennis courts and other similar recreational facilities	No	No	Yes
Storage buildings permitted as accessory structures	No	No	Yes
1. If in side yard, must be screened from view from public and/or private streets, as approved by the Director of Community Development.			

B. Permitted Encroachments in Public Rights-of-Way. In the D-1, D-2, and D-3 zoning districts, the following items are permitted to encroach into the public right-of-way. Any permitted encroachment in the public right-of-way shall be permitted to occupy a maximum of 50 percent of the sidewalk directly fronting the building or use with which they are associated, provided a minimum 4' wide clear path be maintained within the sidewalk running parallel to the fronting street. Any permitted encroachment shall not inhibit the ingress and egress from buildings nor the free flow of pedestrian traffic.

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

44.9-5 – PRINCIPAL BUILDING ON A LOT

- A. In an R-1A, R-1B, or R-2 District, not more than one (1) principal building shall be located on a lot of record or on a lot described by metes and bounds, except in the case of planned unit developments, special uses and developments that require site plan review, as provided in this Code.
- B. In all other districts and subject to the site plan review requirements in **Division 8** of this Code, more than one (1) principal building may be erected on a lot of record or on a lot described by metes and bounds provided that the yard, lot area, height and other requirements of this Code shall be met for each structure as though it were on an individual lot.

44.9-6 – ACCESS FOR BUILDINGS

Every building hereafter erected or moved shall be on a lot that abuts upon a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, rescue and fire protection vehicles and required off-street parking.

44.9-7 – TEMPORARY USES

- A. Farmers' Markets and Temporary Sales on Business Premises. A farmers' market may be permitted as an accessory use to any principal permitted use in B-1, B-2, C-1 District; or as an accessory to school, place of worship or other institutional use in all districts. Temporary sales of goods and services may be conducted on the premises of business in any non-residential zoning district. The following requirements shall apply:
 - 1. Excluding farmers' markets, no more than three (3) temporary sales ~~are~~ may be held on the same premises during any calendar year.
 - 2. Excluding farmers' markets, the duration of temporary sales shall be limited to no more than three (3) consecutive days and during the regular hours of the principal business.
 - 3. Farmers' markets may be conducted on a weekly or semi-weekly basis for a period of up to six (6) consecutive months during any calendar year.
 - 4. Farmers' markets and sales by other than the principal business or principal use must be licensed by the City of Bloomington. Such license shall be granted upon submission of the following:
 - a) Description of good/services to be sold;
 - b) Duration of the sale including days and hours of operation;
 - c) Site plan showing the location of the proposed farmers' market or sale approved by the Community Development Department;
 - d) Consent of the principal business owner/property owner;
 - e) A surety bond of at least \$3,000.00;
 - f) A minimum of \$20,000 in liability insurance;
 - g) Arrangements for customer parking;
 - h) Arrangements for use of the principal business or owner's sanitary facilities, if any;
 - i) IRS Tax Identification No.;
 - j) Illinois Sales Tax Number;

- k) Contact information including name, mailing address, email address and telephone number of the home base and manager of the transient business or farmers' market;
 - l) Plans for temporary structures that may be constructed/installed for the use of the transient business approved by the Community Development Department; and
 - m) \$50.00 filing fee per location or an annual fee of \$250.00 shall be applicable for Mobile Food Vending operations per **Section 44.4-4 G**.
- 5. Sales by the principal business itself shall be without a license, bond, liability insurance, etc. except that the activity must be registered with the City of Bloomington. Said registration shall require the submission of the items described in Section **44.9-8 A.3** (a), (b), (c), and (l).
- 6. No farmers' market or sale on a parking lot shall be allowed that would obstruct traffic in the lot or reduce the number of parking spaces for the principal business below the number required by City Code.
- 7. No farmers' market or sale shall be allowed closer than fifteen (15) feet from the front property line.
- 8. No farmers' market or sale will be allowed that involves the use, placement, distribution, or sale of hazardous materials as determined by the Bloomington Fire Chief or his or her designee.
- 9. No food sale for consumption shall be allowed without approval of the McLean County Health Department.
- 10. Where businesses abut a residential property, no farmers' market or sale will be allowed without the installation of an opaque fence at least six (6) feet high to protect said property from the activity.
- 11. The premises must be cleaned of goods and debris after each farmers' market or sale.
- 12. No sound system shall be used in conjunction with the farmers' market or sale.
- B. Temporary Seasonal Sales. Temporary sales involving agricultural products such as fresh produce and Christmas trees which by their nature are seasonal, may be allowed on the premises of a business in any commercial zoning district for the entire season on a daily basis, weather permitting, without regard to the limitations in Subsection **44.9-8 A.3** (a) and (b) herein.
- C. Temporary Sales on Vacant Land. Temporary sales on vacant land may only occur in business and manufacturing districts. Such sales will only be permitted after the Director of Community Development has determined that the requirements of other applicable City Codes have been met. Such sales must conform to the requirements of this Section with the additional requirement that sales may not be conducted between the hours of 9:00 p.m. and 8:00 a.m.
- D. Temporary sales conducted during a civic event recognized by the City of Bloomington shall not be subject to the provisions of this Subsection **44.9-8**.
- E. Temporary outdoor storage (in shipping containers, storage containers, or in trailers) of materials for charitable and philanthropic organizations in business and manufacturing districts shall be permitted in front, rear, and side yards subject to the following:
 - 1. Temporary outdoor storage shall be accessory to a principal permitted use;

2. Such temporary outdoor storage shall not be in any way that impedes on-site circulation or the use of any required off-street parking or loading spaces required by **Division 7** of this Code;
 3. A permit for temporary outdoor storage use shall be obtained from the Community Development Director prior to the placement of any containers or materials.
 4. No containers shall be permitted on a site more than 90 days in any calendar year.
- F. All signs and their use shall comply with **Chapter 3** of the Bloomington City Code, 1960, as amended.

44.9-8 – ACCESSORY BUILDINGS AND USES

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

- A. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, except as permitted hereafter.
- B. Temporary storage for goods, products and materials associated with construction or remodeling of the principal structure shall not be subject to this section.
- C. Accessory Uses. In addition to those uses permitted in a zoning district, the following accessory uses are permitted subject to the provisions of this sub-section and any additional requirements of **Division 10**.
 1. Beekeeping.
 2. Chicken Keeping.
 3. Columbariums, when accessory to a place of worship, cemetery, mortuary.
 4. Home Occupations
 5. Roadside Stands
- D. An accessory building or structure hereafter constructed, erected, placed, structurally altered, enlarged, or moved, except as otherwise permitted in this Code shall be subject to the following bulk requirements:
 1. Except for roadside markets, no accessory building or structure shall be permitted within the required front or side yards of a lot, as set forth in each district. (For exemptions see **Section 44.9-5** of this Code).
 2. Accessory buildings and structures shall comply with Table 44.9-9.

TABLE 44.9-9: ACCESSORY STRUCTURES				
Districts	Maximum Height	Min. Distance to Principal Building Wall	Min. Distance to Rear or Side Lot Line	Min. Distance to Alley Right-of-Way Line
Agricultural Districts	Equal to permitted height of district	10'	3'	10' *
Residential Districts	14'	10'	3'	10' *
Business Districts	Equal to permitted height of district	10'	3'	10' *
Manufacturing Districts	Equal to permitted height of district	10'	3'	10' *

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

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

3. The foregoing height limits shall not apply to telecommunication antennas and telecommunication antenna facilities authorized pursuant to **Section 44.4-9 and Division 10** of this Code.
4. The gross floor area of an accessory building or structure to be constructed in any zoning district shall not exceed thirty (30) percent of the rear yard, nor shall it exceed following:
 - a) In an agricultural district or the R-1A, R-1B, R-1C, R-2 or R-4 District, the gross floor area of an accessory building or structure shall not exceed the ground floor of the principal building or one thousand (1,000) square feet, whichever is less.
 - b) In a business district, manufacturing district, public interest district or the R-3A or R-3B District, the cumulative gross floor area of an accessory building or structure in combination with the principal structure(s) shall comply with the gross floor area regulations for the zoning district in which it is located.
5. No manufactured home, mobile home or other similar portable structure or building shall be used as an accessory building or structure except when used incidentally to and temporarily for construction operations of a principal use, notwithstanding the following exceptions:
 - a) Storage buildings not exceeding one hundred forty-four (144) square feet in area and a maximum height of twelve (12) feet to the highest point on such building are permitted as accessory buildings.
 - b) It shall be unlawful to use any portable on demand storage container or other similar portable structure as an accessory building or accessory structure located on any Residential District lot except when used temporarily during construction or moving operations of a principal use. Such portable containers or structures shall be removed from such Residential District lot within fourteen (14) consecutive days after the date of completion of such construction or moving operations
6. An accessory building which is attached to a principal building shall be considered as a part of the principal building and shall be subject to all regulations governing the location of principal buildings.
7. An accessory building which is not attached to a principal building may contain a rooming unit as an accessory use provided that such rooming unit is occupied by a person who is related by blood, adoption, or marriage to a member of the family occupying a single-family dwelling in the principal building or provided that such rooming unit is occupied by a household servant employed by the family occupying a single-family dwelling in such principal building.
8. No incinerator shall be hereafter constructed, erected, placed, structurally altered, or enlarged in or within two thousand (2,000) feet of property in a residential district.

- E. Agricultural Structures. Agricultural buildings that are used only for agricultural purposes, such as barns, silos, bins, sheds, and farm machinery sheds, shall not be considered accessory buildings or structures. Such buildings are principal agricultural buildings and shall comply with the district bulk standards.

44.9-9 – SIGHT DISTANCE REQUIREMENTS

- A. At Street Intersections. Except in the D-1 Central Business District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede visibility between a height of two and one-half (21/2) feet and ten (10) feet above the top curb line grades of intersecting streets in the area defined by the visibility triangles illustrated in **Figure I and Table I in Appendix A of this Code**.
- B. At Intersections of Streets with Alleys and Driveways. Except in the D-1 Central Business District, at the intersection of a public or private street with a public or private driveway or alley no landscaping shall be placed, planted or allowed to grow in such a manner as to impede visibility between a height of two and one half (2½) and ten (10) feet above the curb top elevation of the street within the visibility triangle area formed by the street curb line intersection with the driveway or alley pavement line, and with the hypotenuse (third side of the triangle) connecting said curb line and said pavement line at distances from their intersection equal to twenty (20) feet along the driveway or alley line and thirty (30) feet along the street curb line.

44.9-10 – FENCE REGULATIONS

- A. General Standards. Fences erected in the City of Bloomington shall comply with the following standards.
1. A fence may be located on a lot line and shall not protrude in full or in part onto any adjacent property or right-of-way.
 2. The fence height shall be measured from the established grade on the fence owner's property to the top most section of said fence.
 3. All supporting poles must be placed on the inside of the property where the fence is erected, and the finished side must face out away from the property.
 4. No fence shall be constructed in any drainage or access easement.
 5. No fence shall be constructed in any utility easement except wherein a release has been given in writing by the owner of the property absolving the city and/or utility company from all liability and damages resulting from the repair, inspection, maintenance, installation, or removal of utilities. The city and/or utility shall in no way be held liable for the replacement, repair, or re-erection of any fence within said easement.
- B. Fence Materials. Except in the agricultural, manufacturing and P-3 Airport District, fences shall not be constructed of chain link, wire mesh, barbed wire, electrically charged fence, or topped with sharp edged materials.
- C. Maximum Fence Height

TABLE 44.9-11: MAXIMUM PERMITTED FENCE HEIGHT

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

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

44.9-11 – PERFORMANCE STANDARDS

- A. Applicability. The standards of this Section are applicable to all development in all zoning districts unless otherwise noted. All uses shall also comply with all applicable Federal and state requirements that exceed the requirements of this ordinance.
- B. General Standards. No land or building in any district shall be used or occupied in any manner that creates any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, noise or vibration, smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electrical or other substance, condition, or element in such a manner, or in an amount, as to affect adversely the surrounding area or adjoining premises.
- C. Noise. The following standards shall apply to any zoning district, excluding the agricultural and manufacturing districts and the P-3 Airport District,
 - 1. The operation of a use shall be conducted in a manner so that the intensive sound level at the nearest property line of any occupied use (excluding such uses in the agricultural and manufacturing districts and the P-3 Airport District) shall not exceed the following noise standards (decibels) for the cumulative periods:

TABLE 44.9-12: MAXIMUM SOUND LEVEL AT PROPERTY LINE (dB)	
Duration of Measurement (cumulative period)	Noise Standard (Maximum dB)
30 minutes in any hour	45
15 minutes in any hour	50
5 minutes in any hour	55
1 minute in any hour	60
Anytime	65

- 2. If the ambient sound level within the adjacent use exceeds the applicable standard for the cumulative period specified above, the applicable standard for that period shall be the ambient sound level.
 - 3. Pure or Impulsive Noise. If the source of noise a use emits a pure or impulsive noise, the noise standards for the applicable period shall be reduced by five (5) decibels.
 - 4. Measurement Period and Sound Level Meter. For the purposes of enforcement of these conditions a sound level meter which satisfies the requirement of the American National Standards Institute (ANSI) S1 4-1971 (or the most recent revision thereof) or Type S2A meter shall be used. The measurement period shall be anyone (1) hour period during the hours of the use's operation.
- D. Outdoor Lighting.

1. General. All outdoor lights used to illuminate any lot in a business, manufacturing or public interest district that is adjacent to or across a street from any lot in a residential district shall be so shielded and directed as to protect such residentially zoned lots from direct or reflected glare.
2. Submission Requirements. Installation of outdoor lighting for any parking lot, proposed new development or similar purpose shall be subject to review and approval by the Department of Community Development. A qualified lighting professional must prepare all lighting plans. The lighting supplier shall be required to submit a certificate of compliance to the City to verify the installation of the proper light fixtures. Lighting plans must include the following information:
 - a) A site photometric plan indicating foot-candle (fc) levels at grade to the lot lines.
 - b) Specifications for all luminaires, poles, and luminaire mounting arms.
 - c) Lighting specifications including foot-candle initial averages and maximum-to-minimum uniformity ratio.
 - d) The location, mounting height and lamp intensity for all exterior luminaries.
 - e) An after-hours security lighting plan indicating not more than 33% of site lighting as operational.
3. Architectural Compatibility. Outdoor lighting fixtures must be compatible with the architectural elements located throughout the development.
4. Prohibition Against Glare. Outdoor lighting shall not create a glare that may be hazardous for motorists, bicyclists, or pedestrians.
5. Luminaires. To prevent unreasonable light pollution, any luminaire and all non-decorative, wall-mounted luminaries used for area light shall use a full cutoff luminaire positioned in a way that the cutoff effect is maximized. Tilt arms are prohibited. Decorative light fixtures must include internal louvers to minimize glare as determined by the Department of Community Development.
6. Facade and Fascia Lighting.
 - a) The exterior building facade lighting power shall not exceed 0.25W/ft² of the illuminated area. Floodlights used for facade lighting may be no farther from the building than one-third (1/3) the distance of the building height. The mounting height of such floodlights shall not exceed the building height.
 - b) Fascia lighting is limited to the street-facing side of the building and may not exceed an area twice the size of the building sign.
7. Lighting Context. Outdoor lighting must consider existing light sources that impact the site and land uses that will be impacted by the lighting.
 - a) To prevent lighting redundancy, proposed new outdoor lighting must factor in existing light affecting the site, including light provided by public light fixtures.
 - b) All outdoor lighting shall have fixtures that shield affected residential areas and public rights-of-way from all direct light.
8. Light Levels, Luminaire Mounting Position, and Timing of Parking Areas.
 - a) Lighting levels must meet a uniformity ratio of 20:1.

- b) Average initial light levels may not exceed 1 fc in residential zoning districts and shall not exceed 2 fc in other districts regulated by this ordinance.
 - c) Light levels created by proposed new outdoor lighting shall not exceed 1 fc at the property line.
 - d) Canopy lighting. All lighting under a canopy must be cutoff or recessed, with no lens dropping below the horizontal plane of the canopy. Light levels under the canopy shall not exceed an average of 25 fc at grade.
 - e) Display areas. Areas dedicated to the display of merchandise may have an average light level of up to 10 fc.
 - f) All exterior lighting shall be controlled by a photo sensor, time switch, or other automated mechanism that reduces exterior lighting when sufficient daylight is available and extinguishes no more than one hour after the close of business, excluding lighting for security purposes. Site security lighting shall not exceed 33% of the luminaires. Individual luminaires may not increase intensity for security lighting purposes.
9. Lighting Exceptions.
- a) All temporary lighting needed by the police, fire, or other municipal departments, emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
 - b) All hazard warning luminaires required by law are exempt from the requirements of this article.
 - c) Recreational and outdoor event lighting, for events permitted by the City of Bloomington, is exempt only during times the lighted area is in use. Nonetheless, recreational, and outdoor event lighting shall be installed in a way that minimizes light emitted above the horizontal plane of the luminaires and light spillover onto adjacent property.
 - d) Lighting ordinarily associated with a holiday.
 - e) Other exceptions as required by law.

This Page Left Blank

Article 1 : Purpose of Code

Section 1.1 : Title.

This Code shall be known as the "Advertising Sign Code" of the City of Bloomington, Illinois, and may be so cited and pleaded and shall be referred to herein as the Code. (Ordinance No. 1979-12)

Section 1.2 : Findings and Statement of Purpose.

The Advertising Sign Code regulates all varieties of signs, as defined within the City of Bloomington. The City Council in adopting this Code, finds:

- (a) that signs should be regulated in order to protect public investment, to promote the recreational value of public travel, to preserve natural beauty and to promote the reasonable orderly and effective display of signs; that the use and display of signs in a legitimate use of private property and is an integral part of the business and marketing functions of local economy and serves to promote and protect private investments in commerce and industry and that the regulatory standards set forth in this Code are consistent with customary use in this City and will properly carry out the purposes of this Code, more severe restrictions being inconsistent with customary use and ineffective to accomplish the purposes of this Code;
- (b) signs visible from motor vehicles being driven upon streets in the City have a visual impact upon the drivers of those vehicles;
- (c) easily read and well located signs can materially assist motorists and others in getting to their desired destination safely and efficiently;
- (d) signs which are unregulated as to size, location and appearance can distract motorists, interfere with early identification of traffic control devices, and hinder the smooth and safe movement of traffic;
- (e) lack of regulation of size, location and appearance of signs can cause escalation in the size of signs erected by competing businesses.

This Code authorizes the use of signs visible from public right-of-way provided the signs are:

- (a) compatible with permitted, special, or accessory uses allowed in the district and surrounding land;
 - (b) designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
 - (c) legible, readable and visible in the circumstances in which they are used;
 - (d) not violative of the reasonable rights of other advertisers whose messages are displayed.
- (Ordinance No. 1989-30)

Article 2 : Rules and Definitions

Section 2.1 : Rules of Construction.

The language set forth in the text of this Code shall be interpreted in accordance with the following rules and definitions:

- (a) The singular number includes the plural, and the plural the singular;
- (b) The present tense includes the past and future tenses, and the future tense includes the present;
- (c) The word "shall" is mandatory, while the word "may" is permissive;
- (d) Terms connoting a particular gender shall include each and every gender;
- (e) Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition hereof; and any word appearing in parenthesis between a word and its definition shall be construed in the same sense as that word;
- (f) All measured distances shall be to the nearest integral foot; if a fraction is one-half ($\frac{1}{2}$) foot or more, the integral foot next above shall be taken;
- (g) All words and terms not defined herein shall be construed in their generally accepted meanings; and
- (h) All provisions of this Code imposing duties upon the City, its officers or agents are directory, unless the context clearly requires the provision to be construed as mandatory. (Ordinance No. 1988-33)

Section 2.2 : Definitions.

Abandoned Signs. A sign which no longer correctly directs or exhorts any person, advertises a bona fide existing business, lessor, owner, product or activity product or product available.

Accessory Sign. (See "On-Premise Sign").

Administrator. The Director of Planning and Code Enforcement (PACE) or his designated representative. (Ordinance No. 1998-95)

Advertising Message. That copy on a sign describing products or services being offered to the public or to one or more limited segments thereof.

Animated Sign. A sign employing actual motion or the illusion of motion. For purposes of this Code, this term does not refer to flashing, changing or indexing, all of which are separately defined. (Ordinance No. 1998-95)

Approved Combustible Plastic. A plastic material more than one-twentieth (1/20) inches in thickness which burns at a rate of not more than two and one-half (2½) inches per minute when subjected to the ASTM standard test for flammability of plastics in sheets of six-hundredths (0.06) inch thickness.

Architectural Blade. A roof, wall, fascia or projecting sign with no visible legs or braces - designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

Architectural Projections. Any projection from a building that is not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. Examples of architectural projections may include but not limited to: Awning, back-lit awning, mansard, soffit and canopy, attached and freestanding. (Ordinance No. 1998-95)

Area of Off-Premise Sign. See Area of Sign.

Area of Sign. Copy area including borders which for all intent are to be made visible to the public.

Automatic Changing Sign or Electronic Message Sign or Center. An electronically activated changeable sign whose variable message capability can be electronically programmed. (Ordinance No. 1998-95)

Awning. An awning is a roof-like cover which projects from the wall of a building and overhangs into a yard or a public or private street.

Background Area. The entire area of a sign on which copy could be placed, as opposed to the "copy area", when referred to in connection with fascia or wall signs.

Banner Sign. A temporary sign composed of light weight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

Billboard. See "Off-Premise Sign," "Off-Site Sign," or "Outdoor Advertising (Posters and Bulletins)".

B.O.C.A. Building Officials and Code Administrators International, Incorporated.

Building Face, Facade or Wall. All windows and wall area of a building in one (1) plane or elevation. (Ordinance No. 1998-95)

Building Frontage. The linear length of a building facing the right-of-way or public place.

Building Sign. A sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

Bulletin. See "Off-Premise Signs," "Off-Site Signs," or "Outdoor Advertising".

Candidate. Candidate means any individual actively seeking elected political office, regardless of whether his name appears on the ballot.

Canopy (Marquee). A permanent roof-like shelter extending, from part or all of a building face over a yard, public street or private street and constructed of some durable material such as metal, glass, or plastic.

Canopy or Marquee Sign. Any sign attached to or hung from a marquee or canopy or other covered structure projecting from and supported by a building and extending beyond the building wall, building line or public right-of-way line.

Changeable Copy Sign, Manual. A sign on which copy is changed manually in the field, i.e. reader boards with changeable pictorial panels.

Changing Sign, Automatic. A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board where different copy changes are shown on the same lamp bank.

City. City of Bloomington, Illinois.

City Engineer. The City Engineer of the City of Bloomington, Illinois, or his duly authorized representative.

City Manager. The City Manager of the City of Bloomington, Illinois.

City Clerk. The City Clerk of the City of Bloomington, Illinois.

Closed Sign. A display sign in which the entire area is solid or tightly enclosed or covered.

Compatible Use. A land use which is capable of direct association with certain other uses because it is complementary, congruous, or otherwise not detrimental. Permitted, special and accessory uses listed in the Zoning Code for a specific district are considered compatible uses in said district.

Comprehensive Design. Building design and signs integrated into one (1) architectural plan, the comprehensive design being complete in all other building, structural and electrical requirements.

Copy Area. The area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia or wall signs, the copy area limits refer to the message, not to the illuminated background, the entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement or decoration.

Copy, Permanent and Temporary. The wording of a sign surface either in permanent or removal letter form.

Council. The City Council of the City of Bloomington, Illinois.

Department of Engineering. The Department of Engineering for the City of Bloomington, Illinois.

Detached Sign. See "Ground Sign".

Directional Sign. Any sign which serves solely to designate the location or direction of any place or area. It is of the general type provided for in the Illinois Motor Vehicle Code.

Directly Illuminated Sign. Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

Double Faced Sign. A sign with two (2) faces, back to back. (Ordinance No. 1998-95)

Election. Election means the submission of all questions of public policy, propositions, and all measures submitted to popular vote, and includes primary elections.

Election Sign. Any sign indicating support of, or opposition to, any issue or candidate in any regular, general or special election.

Electrical Sign. Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

Embellishment.

(a) Letters, figures, characters or representations in cutouts or irregular forms, or similar ornaments attached to or superimposed upon the sign.

(b) Embellishment, Decorative Only. A purely decorative embellishment on a freestanding sign.

Erected. This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

Exempt Signs. Sign exempted from normal permanent requirements.

Facelift. The remodeling of a building's frontage which is visible from a public right-of-way so that the building material, door frames, window frames, and signs are designed in harmony with each other.

Face of Sign. The entire area of sign on which copy could be placed, including borders.

Facia Sign (Wall Sign). A sign attached to, painted on, or erected against a wall of a building with the face horizontally parallel to the building wall and extending not more than fifteen (15) inches from the face of said building wall.

Field Fabricated Sign. An electrical sign of such magnitude that it cannot be completely constructed in the factory.

Flashing Sign. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as "Changing Signs" not "Flashing Signs".

Freestanding Signs. See "Ground Signs".

Freeway or Controlled Access Highway. This term shall mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting land, or in respect of which such owners have only limited or restricted right or easement of access and which

is declared to be a freeway or controlled access highway as provided on the Major Streets and Highway Plan for the City.

Freeway-Oriented Sign (Controlled Access Highway Sign). Any sign identifying premises where food, lodging, or places of business are located that engage in supplying goods and services essential to normal operation of motor vehicles, and where such businesses are directly dependent upon the adjacent freeway for business.

Frontage. The length of the property line of any one (1) premise parallel to and along each public right-of-way it borders.

General Election. General Election means a regular election for the choice of a national, state, judicial, district or county officer.

Ground Level. Street grade.

Ground Sign. A sign erected on a freestanding frame, mast or pole and not attached to any building. A sign supported by uprights or braces in or upon the ground surface.

Height of Sign. The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway which permits the greatest height to the highest point of said sign.

Hereafter. After the time this Advertising Sign Code becomes effective.

Heretofore. Before the time this Advertising Sign Code becomes effective.

Identification Sign. A sign on the premises which is limited to the name, address and number of a building, institution or person on the premises, and to the activity carried on in the building or institution, or the occupancy of the person provided that this type of sign is permitted only if the use of the premises is legal both in substance and at that location.

Illegal Sign. See "Unlawful Sign" in this Section.

Illuminated Sign. Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

Incidental Sign. A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.

Indexing. Turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three messages in the same area.

Indirectly Illuminated Sign. Any sign which reflects light from a source intentionally directed upon it for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

Individual Letter Sign. Any sign made of self-contained letters that are mounted on the face of a building, top of parapet, roof edge of a building or on top of or below a marquee.

Interior Property Line. Property lines other than those fronting on a street, road or highway.

Issue. Any matter of public interest, question of public opinion, proposition, or any other measure submitted to popular vote.

Lintel. In this context, the line above the display windows and below transom windows (if any) on a store (usually and approximately nine (9) feet from grade).

Lot. For the purpose of this Code, a lot is a parcel of land of at least sufficient size to meet the minimum requirements for use, coverage, and area, and to provide such yards and other open space as required by Chapter 44 of the Bloomington City Code. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) a single lot of record;
- (b) a portion of a lot of record;
- (c) a combination of complete lots of record, or of portions of lots of record;
- (d) a parcel of land described by metes and bounds.

Maintain. To permit a sign, structure or any part or condition of any of them to continue.

Marquee (Canopy). A permanent roof-like shelter extending from part or all of the building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic.

Marquee Sign (Canopy Sign). Any sign attached to or hung from a marquee or canopy or other covered structure projecting from and supported by a building and extending beyond the building wall, building line or public right-of-way line.

Message. The wording or copy on a sign.

Multi-Prism Sign. Signs made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

Nameplate (Occupant Sign). A non-electric sign identifying only the name, location and home occupation or profession of the occupant of the premises on which the sign is located, and it is permitted only if the use of the premises is legal both in substance and at that location. If any premises include more than one (1) occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

NEC. National Electrical Code. (Ordinance No. 1998-95)

Neon. Electric discharge tubing manufactured into shapes that form letters, parts of letter, skeleton tubing, outline lighting, other decorative elements, or art forms and filled with various inert gases. (Ordinance No. 1998-95)

Nonelectrical Sign. Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

Nonconforming Sign, Legal. Any advertising structure or sign which was lawfully erected and maintained prior to such time as it became subject to this Code and any amendments thereto, and

which at the time it becomes subject to this Code and fails to conform to all applicable regulations and restrictions of this Code, or a nonconforming sign for which a special permit has been issued.

Off-Premise Sign (Off-Site Signs). It is a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

On-Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

Open Sign. A display sign in which at least fifty percent (50%) of the enclosed area is uncovered, or open to the transmission of wind.

Owner. A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; any person having a vested or contingent interest in the property in question.

Parapet or Parapet Wall. That portion of a building wall that rises above the roof level.

Penthouse. A structure on top of a building roof such as that which houses an elevator shaft or similar form.

Person. Any individual, corporation, association, firm, partnership or other legal entity of any description, single or plural.

Pole Sign. See "Ground Sign".

Portable Sign. Any sign (other than an election sign permitted by Section 11.5 of this Code, an exempt sign permitted by Section 8.2 of this Code, a banner permitted by Section 6.5 of this Code, an "A" frame or sandwich board sign or a swinging sign with a sign area of nine (9) square feet or less, or a sign displayed on or from an operational motor vehicle) not permanently attached to the ground or a building. A portable electric sign does not cease to be portable unless and until it is: (1) removed from any wheels, frames or device which allow it to be transported; (2) anchored in the ground with concrete footings; and (3) landscaped.

Premises. An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign. A sign, other than a wall sign, which is attached to the building wall and which extends more than fifteen (15) inches from the face of the wall. The area of double-faced projecting signs are calculated on one (1) face of the sign only.

Public Place. Building frontage at least thirty feet (30') wide which is accessible unobstructed for the Fire Department.

Public Right-of-way Width. The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the City Engineer.

Public Service Information Signs. Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

Real Estate or Property for Sale, Rent or Lease Sign. Any on-premise sign pertaining to the sale, lease or rental of land or buildings.

Regular Election. Regular election means an election, either general or municipal, regularly occurring at fixed interval.

Roof Line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign. Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Rotating Sign. Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

Seasonal or Holiday Signs. Signs such as Christmas decorations, those used for a historic holiday and installed for a limited period of time.

Sign. Any identification, description, illustration or device illuminated or non-illuminated and with or without printing or writing, which is visible from any public place and which directs or is constructed to direct attention to a business, product, service, place, activity, person, organization, institution or solicitation, including any permanently installed or situated merchandise, a symbol of merchandise, logo or display with the exception of window displays; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information with respect to any business, product, service, place, activity, person, institution or solicitation, with the exception of national, state, county, municipal and religious flags. The required removal of any sign shall be understood to include all associated sign structures and sign support structures unless exempted from the removal requirement.

Signable Area. An area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail. It is calculated by selecting a continuous facade, then drawing an imaginary rectangle within specified height limitations and computing the square foot area of this rectangle.

Sign Area (Area of Sign). The area of the largest faces of the sign with a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled and both faces of double faced signs will be included in the sign area. (Ordinance No. 1998-95)

Sign Legend. See "Copy".

Sign Sticker. A sticker affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designating the sign servicing company for purpose of identification by City officials.

Sign Structure. Any structure which supports, has supported or is capable of supporting a sign including decorative cover.

Special Election. Special election means an election, either general or municipal, not regularly recurring at fixed intervals, irrespective of whether it is held at the same time and place and by the same election officers as a regular election.

Special Purpose Sign. Any sign other than a business, non-accessory identification sign, including but not limited to traffic signs.

Street, Public. A public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

Street, Private. A privately owned lane, road or street which affords the means of access to adjacent lots.

Swinging Sign. A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary Sign. A sign which is not permanently affixed and includes all devices such as banners, pennants, flags (not including national, state, county, municipal or religious flags), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

Temporary Window or Building Sign. A sign painted on the interior of a window or constructed of paper, cloth, or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

Treasurer. Shall mean the City Treasurer of the City of Bloomington, Illinois.

Under Canopy or Marquee Sign. A sign suspended below the ceiling or roof of a canopy or marquee.

Unlawful Sign. A sign which contravenes this Code or any other law or which the Administrator declares to be unlawful because it becomes dangerous to public safety by reason of inadequate maintenance, dilapidation or abandonment or a nonconforming sign for which a permit required under a previous Code was not obtained. The terms "unlawful" and "illegal" shall have the same meaning at all times in all situations.

Use. The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Wall Sign (Facia Sign). A sign attached to, painted on, or erected against a wall of a building with the face horizontally parallel to the building wall and extending not more than fifteen (15) inches from the face of said building wall.

Window Sign. A sign installed inside a window for purposes of reviewing from outside the premises. This term does not include merchandise located in a window.

Underwriter's Laboratories. A nonprofit organization which establishes standards for electrical and mechanical equipment and materials and is commonly referred to as "UL". Its electrical section is known as "Underwriter's Laboratory (48)". (Ordinance No. 1989-30)

Article 3 : Permit, Fee, Inspection and Indemnification

Section 3.1 : Permits Required

(a) Application of Permit Requirement. Except as otherwise provided in this Code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each such sign from the Administrator as required by this Code. This Section shall not be construed to require any permit for:

- (1) a change of copy on any sign exempted in Article 8;
- (2) the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way; or
- (3) signs which have permits and which conform with the requirements of this Code on the date of its adoption unless and until the sign is altered or relocated, at which time a permit is required. (Ordinance No. 1988-33)

(b) Duration of Permit. Every sign permit issued by the Administrator shall become null and void if work installation is not commenced within one hundred twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred twenty (120) days any time after the work is commenced, a new permit shall be first obtained to do so and the fee will be one-half (½) the amount required for a new permit for such work provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with. (Ordinance No. 1988-33)

Section 3.2 : Sign Contractor's Registration.

(a) Sign Contractors to be Registered. No person shall perform any work or service for any person or for any government entity for compensation, in or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign in the City or any work or service in connection with causing any such work to be done unless such person shall first have registered as a sign contractor with the City Clerk and paid the registration fees provided for by the City, or shall be represented by a subcontractor registered herein as a contractor. (Ordinance No. 1972-12)

(b) Sign Contractor Registration Fee. Before any person, firm, or corporation shall engage in the business of sign contracting in the City or continue in said business, such person, firm or corporation shall be required to pay a registration fee of Fifty Dollars (\$50.00) the first year and Fifty Dollars (\$50.00) per year thereafter. The City Clerk shall keep a suitable record of all such registrations of sign contractors in the City. (Ordinance No. 1988-33)

Section 3.3 : Sign Contrator Bond.

As a condition to the registration of a sign contractor as required herein, all persons engaged in the business of painting, installing or maintaining signs which involves, in whole or part, the erection, alteration, relocation, maintenance of a sign or other sign work shall file with the City Clerk a continuing bond in the penal sum of Five Thousand Dollars (\$5,000.00), executed by the applicant and a corporate surety authorized to do business in the State of Illinois, which shall indemnify and hold harmless the City, its officers, agents, and employees, from any and all claims of negligence resulting from erection, alteration, relocation, or maintenance work. (Ordinance No. 1988-33)

Section 3.4 : Insurance.

Every applicant for such registration shall, before such registration, file with the City a satisfactory certificate of insurance against any form of liability to a minimum of Twenty-five Thousand Dollars (\$25,000.00) for property damage and Three Hundred Thousand Dollars (\$300,000.00) for personal injury, or shall be responsible through an agent or subcontractor covered by insurance in said amounts. The insurance shall be maintained in full force and effect during the term of the registration and said insurance policy or certificate shall provide that the City be notified of any cancellation of the insurance ten (10) days prior to the date of cancellation. (Ordinance No. 1988-33)

Section 3.5 : Federal or State Licenses.

Federal or State Licenses as Applicable. Any sign company seeking to erect, construct, enlarge, alter, repair, move, improve, maintain, convert or manufacture any sign shall demonstrate and register with the City a statement that they have all of the necessary licenses from all other governmental agencies applicable, or shall be represented by a duly licensed agent or subcontractor having such licenses. (Ordinance No. 1979-12)

Section 3.6 : Permission from Property Owners to Install Any Signs.

No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or their authorized representatives. (Ordinance No. 1987-12)

Section 3.7 : Application for Permit to Install a Sign.

Application for a permit shall be made to the Administrator upon a form provided by the Administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City including:

- (a) Name and address of owner of the sign;
- (b) Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- (c) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- (d) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform to the BOCA National Building Code in effect and Chapter 10 of the Bloomington City Code. When required by the Administrator, engineering data shall be supplied on plans submitted certified by a duly registered architect or structural engineer. (Ordinance No. 1998-95)

Section 3.8 : Permit Issuance.

The Administrator shall issue a permit for the erection, alteration, or relocation of a sign within the City when an application therefor has been properly made and the sign described therein complies with all appropriate laws and regulations of the City. The Administrator may, in writing, suspend or revoke a permit issued under provisions of this Article whenever the permit is issued by mistake or on the basis of a misstatement of fact or fraud. (Ordinance No. 1988-33)

Section 3.9 : Effect of Issuance.

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate all unlawful signs. (Ordinance No. 1979-12)

Section 3.10 : Permit Fees.

(a) Application for permits shall be filed with the Sign Code Administrator, together with a permit fee which shall be based on the reasonable cost of the sign and supporting structure which includes cost of material and labor in accordance with the fee schedule of subsection (b). If the Administrator determines that the applicant's estimate of cost is unreasonable, the Administrator may estimate the cost for purposes of establishing the fee. Permit for Neon outline lighting or skelton lighting will be based on estimated value of job.

If any sign is hereafter erected, placed, installed or otherwise established on any property prior to obtaining a permit as required by this Section, the fees specified in subsection (b) shall be doubled. Payment of such fee shall not relieve any person from complying with other provisions of the Advertising Code or from penalties prescribed therein.

(b) Fee Schedule Based on Estimated Value of Improvements:

Estimated Cost of Improvement	Fee*
Less than \$1,000	\$14.00 plus \$.26 per square foot of sign area.
Between \$1,000 and \$10,000	\$14.00 plus \$7.00 per thousand of estimated cost over \$1,000 plus \$.26 per square foot of sign area.
Over \$10,000	\$77.00 plus \$4.00 per thousand of estimated cost over \$10,000 plus \$.26 per square foot of sign area.

*The calculation of the permit fee for any sign shall be based on all faces with a message, except that for a double face sign the fee shall be based on the larger face multiplied by 1.5.

(c) All portable temporary signs not exempted in the Code shall be charged a permit fee of Twenty Dollars (\$20.00) for each permitted time on a location. The fee for such signs may be waived by the Administrator when placement on a lot is for forty-eight (48) hours or less.
(Ordinance No. 2006-3)

Section 3.11 : Sign Permits Appeals.

An appeal may be taken to the Sign Code Board of Review from the Administrator's denial or revocation of a sign permit. (Ordinance No. 1988-33)

Section 3.13 : Inspections.

- (a) Inspections: All sign work requiring a permit shall be subject to inspection by the Administrator. (Ordinance No. 1988-33)
- (b) Sign Maintenance: Every sign in the City, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports. The Administrator may inspect signs at reasonable intervals to determine whether signs are properly maintained.
- (c) Signs Declared Unlawful: The Administrator may declare any sign unlawful if it violates this Code or any other law or if it endangers public safety by reason of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state in writing the reasons of the Administrator for stating that the sign is unlawful. (Ordinance No. 1984-53)
- (d) It shall be unlawful to own, keep, display or maintain a sign which is declared to be unlawful pursuant to the provisions of paragraph (c) of Section 3.13 of this Code. The Administrator may declare any such sign to be unlawful and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this Code. (Ordinance No. 1979-12)

Article 4 : Signs Permitted in the Zoning Districts of the City

The following sign regulations provide for the listing of signs permitted in the Zoning Districts of the City as provided by Chapter 44 of the Bloomington City Code.

Section 4.1 : Agriculture District

In addition to the exemptions authorized by Article 8 in this Code, the following signs shall be permitted in the A-Agriculture District subject to the other Articles in this Code:

- (a) One (1) identification sign having a total sign area not exceeding sixteen (16) square feet for each lot occupied by multiple family dwellings or other residential uses (not including single family dwellings, two family dwellings and mobile homes).
- (b) One (1) identification sign having a total sign area not exceeding thirty-two (32) square feet for each lot occupied by nonresidential uses except for lots occupied by legal nonconforming uses which shall be permitted to have a total sign area not exceeding the total sign area of all identification signs presently located on the lot occupied by such nonconforming use.
- (c) All identification signs authorized by subsections (a) and (b) of this Section shall be fascia signs, except that such identification signs may be freestanding if they do not exceed height of sixteen (16)

feet above grade nor project closer than ten (10) feet to a public right-of-way line or property line. (Ordinance No. 1979-12)

Section 4.10 : B-3 Central Business District.

(a) On-premise signs may be of any type provided that the total sign area of all such signs in each lot shall not exceed three (3) square feet for each lineal foot of frontage on a public street, or approved private street meeting City standards, or public place, or 200 square feet, whichever is greater. The maximum area of each sign shall not exceed three hundred (300) square feet unless otherwise restricted by this Code.

The maximum area of a double faced sign shall be the area of the largest face only for the purpose of sign area calculations to comply with this Section. (Ordinance No. 1988-33)

(b) Off-premise signs (off-street signs) shall be permitted in accordance with the restrictions in Article 5 in this Code that are specifically applicable to off-premise signs. (Ordinance No. 1979-8)

Section 4.11 : M-1 Restricted Manufacturing District and M-2 General Manufacturing District.

In addition to the exemptions authorized by Article 8 of this Code, the following signs shall be permitted in the M-1 Restricted Manufacturing District and M-2 General Manufacturing District subject to the other Articles of this Code.

(a) On-premise signs may be of any type provided that the total sign area of all such signs in each premise shall not exceed four (4) square feet for each lineal foot of frontage on a public street, or approved private street meeting City standards, or public place, or 300 square feet, whichever is greater. The maximum area of each sign shall not exceed three hundred (300) square feet unless otherwise restricted by this Code.

The maximum area of a double faced sign shall be the area of the largest face only for the purpose of sign area calculations to comply with this Section. (Ordinance No. 1988-33)

(b) Off-premise signs (off-street signs) shall be permitted in accordance with the restrictions in Article 5 in this Code that are specifically applicable to off-premise signs. (Ordinance No. 1979-8)

Section 4.2 : Residence Districts.

In addition to the exemptions authorized by Article 8 of this Code, the following signs shall be permitted in the R-1A, R-1B, R-1C, R-2, R-3A, R-3B and R-4 Residence Districts subject to the other Articles of this Code:

(a) One (1) identification sign having a total sign area not exceeding sixteen (16) square feet for each lot occupied by multiple family dwellings or other residential uses but not on vacant lots or on lots having single family dwellings, two family dwellings or mobile homes where they shall be illegal except that on such premises a nameplate sign is permitted, if appropriate. (Ordinance No. 1981-53)

(b) One (1) identification sign having a total sign area not exceeding thirty-two (32) square feet for each lot occupied by nonresidential uses except for lots occupied by legal nonconforming uses which shall be permitted to have a total sign area not exceeding the total sign area of all identification signs presently located on the lot occupied by such nonconforming uses.

(c) One (1) identification sign authorized by subsections (a) and (b) of this Section shall be facia signs, except that such identification signs may be freestanding if they do not exceed a height of sixteen (16) feet above grade nor project closer than ten (10) feet to a public right-of-way line or property line. (Ordinance No. 1979-12)

Section 4.3 : S-1 University District.

In addition to the exemptions authorized by Article 8 of this Code, the following signs shall be permitted in the S-1 University District subject to the other Articles of this Code:

(a) Two (2) identification signs per building or landmark not exceeding a total sign area of fifty (50) square feet per sign shall be permitted at appropriate locations on the campus to adequately identify buildings or landmarks located on the campus.

(b) Identification signs authorized by subsection (a) of this Section may be freestanding signs or facia signs. (Ordinance No. 1979-12)

Section 4.4 : S-2 Public Lands and Institutions District.

In addition to the exemptions authorized by Article 8 of this Code, the following signs shall be permitted in the S-2 Public Lands and Institutions District subject to the other Articles of this Code:

(a) Identification signs not exceeding a total sign area of one hundred (100) square feet per sign shall be permitted at appropriate locations on the lot to identify uses thereon.

(b) Identification signs authorized by subsection (a) of this Section may be freestanding signs or facia signs. (Ordinance No. 1979-12)

Section 4.5 : S-3 Flood Plain (District).

All ground signs in the Flood Plain (District) shall require approval of the City Engineer prior to permit issuance. (Ordinance No. 1988-33)

Section 4.6 : Historic and Cultural District.

Except for the exemptions authorized by Article 8 of this Code, no sign shall be erected, moved, demolished, or altered in the S-4 Historic and Cultural District without approval of the Council, after public hearing and recommendation by the Historic Preservation Commission. The Council may grant such approval upon making a determination that such sign erection, movement, demolition or alteration would not adversely affect the character of the S-4 District in which such sign is located or is proposed to be located. After such approval, such sign erection, movement, demolition or alteration shall be in compliance with the other Articles of this Code. (Ordinance No. 1988-33)

Section 4.7 : S-5 Airport District.

In addition to the exemptions authorized by Article 8 of this Code, the following signs shall be permitted in the S-5 Airport District subject to the other Articles of this Code:

(a) On-premise signs may be of any type provided that the total sign area of all such signs in each lot shall not exceed two (2) square feet for each lineal foot of frontage on a public street, or private street meeting City standards, or public place, or 300 square feet, whichever is greater. The maximum area of each sign shall not exceed three hundred (300) square feet unless otherwise restricted by this Code.

The maximum area of a double faced sign shall be the area of the largest face only for the purpose of sign area calculations to comply with this Section. (Ordinance No. 1988-33)

(b) Off-premise signs (off-site signs) shall be permitted in accordance with the restrictions in Article 5 of this Code that are specifically applicable to off-premise signs. (Ordinance No. 1981-8)

Section 4.8 : C-1 Office District.

In addition to the exemptions authorized by Article 8 of this Code, the following signs shall be permitted in the C-1 Office District subject to the other Articles of this Code:

(a) One (1) identification sign having a total sign area not exceeding two (2) square feet for each lineal foot of frontage on a public street or private street or two hundred (200) square feet whichever is less.

(b) Identification signs permitted by this Section may be freestanding signs, fascia signs, canopy signs, projecting signs, roof signs, signs on awnings, manual or automatic changeable copy signs,

changing signs, or rotating signs subject to the regulations in Article 5 of this Code for these signs. (Ordinance No. 1979-12)

Section 4.9 : C-2, C-3, B-1 and B-2 Districts.

(a) On-premise signs may be of any type provided that the total sign area of all such signs in each premise shall not exceed three (3) square feet for each lineal foot of frontage on a public street, or approved private street meeting City standards, or public place, or 300 square feet, whichever is greater. The maximum area of each sign shall not exceed three hundred (300) square feet unless otherwise restricted by this Code.

The maximum area of a double faced sign shall be the area of the largest face only for the purpose of sign area calculations to comply with this Section. (Ordinance No. 1988-33)

(b) Off-premise signs (off-site signs) shall be permitted in accordance with the restrictions in Article 5 of this Code that are specifically applicable to off-premise signs. (Ordinance No. 1981-8)

Article 5 : Regulations and Limitations of Permitted Signs

The language of this Article shall apply to both on-premise and off-premise signs unless specifically limited to either on-premise signs or off-premise signs.

Materials and method of construction shall comply with the BOCA Basic Building Code currently adopted and referenced in Chapter 10 of the Bloomington City Code and other applicable Codes of the City.

Section 5.1 : Freestanding or Ground Signs.

(a) Minimum Horizontal Separation:

(1) On-Premise Freestanding Signs: More than one (1) on-premise freestanding or ground sign may be permitted on each premise having frontage on a public street or an approved private street, provided that the minimum horizontal separation between such on-premise freestanding signs shall be one hundred feet (100'). The required separation in this Section does not apply to on-premise signs on separate premises.

(2) Off-Premise Freestanding Signs: After February 8, 1981, it shall be unlawful for any person to erect any off-premise freestanding sign that violates the provisions of Section 5.7 of this Code. (Ordinance No. 1998-95)

(b) Obstructions to Traffic: No freestanding or ground sign shall be erected so as to obstruct free access to or egress from any building. (Ordinance No. 1998-95)

(c) **Setback:** No freestanding or ground sign shall be erected in such a manner as to impede visibility between a height of two and one-half (2½) feet and ten (10) feet above the top curb line grades (grade at edge of pavement when no curb is present) of intersecting streets or of street and driveway intersections in the area defined by the visibility triangles illustrated in Figure 1 and Table 1 and Figure 2 and Table 2 in Appendix A of this Code. (Ordinance No. 1998-95)

(d) **Minimum Clearance:** Where a freestanding or ground sign projects over a vehicular traffic area, such as a private street, driveway or parking lot, the minimum clearance between the bottom of the sign and the ground shall be fourteen (14) feet. (Ordinance No. 1998-95)

(e) **Projection Over Public or Private Streets:** Freestanding or ground signs shall be allowed to project over a public or private street only to the same extent permitted for projecting signs. (Ordinance No. 1998-95)

(f) The maximum height of any portion of any freestanding or ground sign shall be accordance with Table 1. In joint or adjacent right-of-ways, the height of the sign will be regulated by the width and speed limit of the right-of-way immediately closest to the location of said sign. (Ordinance No. 1998-95)

(g)

TABLE 1

MAXIMUM PERMITTED HEIGHTS

OF FREESTANDING OR GROUND SIGNS

Highway or Street Closest to the Location of the Sign

<u>Public</u>	<u>Official</u>	<u>Maximum Height</u>
<u>Right-of-Way</u>	<u>Speed Limits</u>	<u>From Grade</u>
<u>Width</u>	<u>(Miles per Hour)</u>	<u>(In Linear Feet)</u>
60 feet or less	15-20	20*
	25-30	25
	35-50	30
More than 60 feet	15-20	30*
	25-30	40*

	35-50	50
--	-------	----

*Freestanding signs may have a maximum height of one hundred (100) feet above grade when located within one thousand three hundred twenty (1,320) feet of the right-of-way line of a Federal Aid Interstate Highway interchange. (Ordinance No. 1998-95)

(h) Freestanding signs which are to be viewed from expressways or interstate highways shall conform with the "Highway Advertising Control Act of 1971", 225 ILCS 440/1 *et seq.*, as hereafter amended. (Ordinance No. 1998-95)

(i) On freestanding or ground signs, the sign structure may extend above the maximum allowable height of such signs for embellishment purposes. Such extension shall not exceed twenty percent (20%) of the maximum allowable height for the sign. Such embellishment shall not include thereon any symbol, representation, logo gram, insignia, illustration or other form of advertising message. (Ordinance No. 1998-95)

Section 5.2 : Wall or Facia Signs.

(a) Maximum Sign Area Buildings: The maximum sign area on a building shall not exceed the allowed Zoning District square footage per lineal foot of lot frontage in Article 4 multiplied by the building frontage. (Ordinance No. 1988-33)

(b) Materials: Wall or facia signs which have an area exceeding forty (40) square feet shall be constructed of metal or other approved noncombustible materials except for nailing rails and as provided in Chapter 10 of the Bloomington City Code. (Ordinance No. 1988-33)

(c) Reflectors: Lighting reflectors may project eight feet (8') beyond the face of the wall provided such reflectors are at least twelve feet (12') above the sidewalk level, but in no case shall such reflectors project beyond a vertical plane two feet (2') inside the curb line. (Ordinance No. 1988-33)

(d) Extension: Wall or facia signs shall not be erected to extend above the parapet, nor extend beyond the ends of the wall to which they are attached unless such signs meet all the requirements for roof signs, projecting signs, or ground or freestanding signs as the case may be. (Ordinance No. 1988-33)

(e) Premises fronting on more than one (1) public right-of-way may combine permissible signs for one (1) frontage with another frontage for the purpose of placing the combined area of signs on one (1) frontage if the combined frontage is one hundred feet (100') or less. (Ordinance No. 1988-33)

(f) Maximum Height:

(1) A wall or facia sign shall not extend above the parapet of the wall to which it is attached unless it appears as an architectural blade.

(2) The height of copy placed in the space between windows may not exceed two-thirds (2/3) the distance between the top of the lower window and the sill of the upper window.

(3) No vertical stacking allowed. (Ordinance No. 1998-95)

(g) Any identification wall or fascia signs with non-illuminated letters up to but not exceeding six inches (6") in height nor eight (8) square feet in area are not restricted and may be permitted in addition to regulated signage. (Ordinance No. 1988-33)

Section 5.3 : Roof Signs.

(a) Materials: All signs shall be constructed entirely of metal or other approved noncombustible materials except as provided in Chapter 10 of the Bloomington City Code.

Provisions shall be made for electrical ground of all metallic parts and where combustible materials are permitted in letters or other ornamental features, all wiring and tubing shall be kept free and insulated therefrom. (Ordinance No. 1988-33)

(b) Bottom Clearance: There shall be a clear space of not less than six (6) feet between the lowest part of the sign and the roof level except for necessary structural supports. The 6' clearance shall not be required where signs are readily accessible on all sides, the sign face is not more than 4' in height, and proper drainage, access, and air circulation are maintained. (Ordinance No. 1983-31)

(c) Closed Roof Signs: A closed roof sign shall not be erected to a height greater than fifty (50) feet above fireproof and noncombustible buildings nor more than thirty-five (35) feet above the roof of non-fireproof buildings. (Ordinance No. 1979-12)

(d) Open Roof Signs: An open roof sign shall not exceed a height of one hundred (100) feet above the roof of buildings of fireproof and noncombustible construction and not more than sixty (60) feet above the roof of buildings of non-fireproof construction. (Ordinance No. 1979-12)

(e) Combustible Supports: Within the Fire District, no roof sign which exceeds forty (40) feet in height shall be supported on or braced to wooden beams or other combustible construction of a building or structure unless otherwise approved by the Administrator.

(f) Roof signs on buildings which do not exceed three (3) stories or forty (40) feet in height shall be subject to the height limitations in Table 2 of this Section:

TABLE 2

MAXIMUM HEIGHT FOR ROOF SIGNS ON BUILDINGS
WHICH DO NOT EXCEED FORTY (40) FEET IN HEIGHT

<u>Building Height</u>	<u>Maximum Roof Sign Height</u> <u>(From Top of Parapet)</u>
0 - 15 feet	15 feet
16 - 20 feet	20 feet

21 - 30 feet	25 feet
31 - 40 feet	30 feet
(Ordinance No. 1979-12)	

(g) Roof signs on buildings which exceed forty (40) feet in height shall be subject to the following regulations:

(1) All roof signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they are attached.

(2) All roof signs shall be installed or erected in such a manner that there shall be no angle iron support structure visible from street level or grade level.

(3) All roof signs shall be set back a distance at least three (3) feet from all the outside walls of the building on or over which they are located in order to provide a clear passageway around said signs.

(4) No guy wires, braces or secondary supports shall be visible from the street or grade level. (Ordinance No. 1979-12)

(h) Sloping Roof Signs: A sign may be attached to the fascia of or located on the sloping roof of a structure but shall not be located so as to extend higher than the roof top. (Ordinance No. 1979-12)

(i) Maximum Sign Area: The area of a roof sign is a part of the building signage and hence, must comply with Section 5.2(a). (Ordinance No. 1988-33)

Section 5.4 : Projecting Signs.

(a) Materials: Projecting signs shall be constructed entirely of metal or other approved noncombustible materials except as provided in Chapter 10 of the Bloomington City Code. (Ordinance No. 1988-33)

(b) Maximum Projection: No such signs shall project over a street or other public space more than ten (10) feet from the face of the building or structure, nor in any case beyond a vertical plane two (2) feet inside the curb face. Subject to these maximum projection limits, projection over the public right-of-way in a C-3 Business District shall be limited to twelve (12) inches for each one (1) linear foot of building frontage measured from the sign's location to the nearest side wall of the occupant's premises. (Ordinance No. 1979-12)

(c) Clearances: A clear space of not less than ten (10) feet shall be provided below all parts of such signs. (Ordinance No. 1979-12)

(d) Projecting signs shall project at a ninety (90) degree angle from the building face except at a building corner fronting on two (2) intersecting streets where projecting signs may project from such

building corner at forty-five (45) degree angles to the building facades fronting on such intersecting streets. (Ordinance No. 1979-12)

(e) Installation: All projecting signs shall be installed or erected in such a manner that support structures visible above a roof or building facade shall appear as architectural blades. (Ordinance No. 1979-12)

(f) No projecting sign may extend more than twelve (12) inches above the top of a parapet, unless it appears as an architectural blade. (Ordinance No. 1979-12)

(g) Illumination: Any sign projecting over a public right-of-way may be illuminated, except for awnings. (Ordinance No. 1979-12)

(h) Maximum, Sign Area: The area of a projecting sign from and on a building is a part of the building signage and hence, must comply with Section 5.2(a). (Ordinance No. 1988-33)

Section 5.5 : Canopy (Marquee) Signs.

(a) Materials: Canopy (Marquee) signs shall be constructed entirely of metal or other approved noncombustible materials except as provided in Chapter 10 of the Bloomington City Code. (Ordinance No. 1988-33)

(b) Height: Canopy (marquee) signs shall not exceed seven (7) feet in height nor shall they project below the fascia of the marquee (canopy) nor lower than ten (10) feet above the sidewalk. (Ordinance No. 1979-12)

(c) Length: Canopy (marquee) signs may extend the full length of the canopy (marquee) but in no case shall they project beyond the ends of the canopy (marquee). (Ordinance No. 1979-12)

(d) Area: Area of copy may be three (3) square feet per lineal foot of canopy front and sides. Copy area or any part of copy area allowed for one (1) fascia of the canopy (marquee) shall not be added to that allowed for other fascia of the canopy (marquee). On places of public entertainment such as theaters, arenas, meeting halls, etc., where one (1) or more changeable copy signs are allowed, the copy area allowance may not exceed five (5) square feet per lineal foot of canopy (marquee) front and sides with a maximum total height of no more than five (5) feet at any point. (Ordinance No. 1979-12)\

(e) A freestanding (ground) sign may project above and over a canopy (marquee) provided that such sign is in compliance with Section 5.1 of this Code. (Ordinance No. 1979-12)

(f) Under Canopy Signs: Signs attached to the underside of a canopy (marquee) shall have a copy area not greater than eight (8) square feet, with a maximum, letter height of nine (9) inches, subject to a minimum clearance of nine (9) feet from the sidewalk. All such under canopy signs shall be mounted at a ninety (90) degree angle to the building face. (Ordinance No. 1979-12)

Section 5.6 : Signs on Awnings.

Signs consisting of one (1) line of letters not exceeding nine (9) inches in height may be painted, placed or installed only upon the hanging border of any awning erected and maintained in accordance with this Code. An identification emblem, insignia, initial or other similar feature not exceeding an area of four (4) square feet, may be painted, placed or installed elsewhere on any awning provided that any sign emblem, insignia or other such similar item shall comply with all other provisions of this Code. (Ordinance No. 1979-12)

Section 5.7 : Off-Premises Signs.

(a) After February 8, 1981, it shall be unlawful for any person to erect any off-premise sign having a sign area in excess of three hundred (300) square feet unless and until a variance for such off-premise sign exceeding three hundred (300) square feet in sign area has been granted by the Sign Code Board of Review in accordance with Article 12 of this Code. (Ordinance No. 1981-8)

(b) After February 8, 1981, it shall be unlawful for any person to erect any off-premise sign closer than two hundred (200) feet to any other off-premise sign located on the same side of a public street as such off-premise sign being erected. (Ordinance No. 1981-8)

(c) After February 8, 1981, it shall be unlawful for any person to erect any off-premise sign on one (1) side of a public street in such a manner that results in more than three (3) off-premise signs being located on the same side of such street along any given one-half (½) mile measured parallel to such street. (Ordinance No. 1981-8)

(d) Off-premise signs may be double faced and each side shall be considered as facing traffic flowing in the opposite direction. There will be no vertical stacking of these types of signs. (Ordinance No. 1998-95)

(e) Any off-premise sign may be a freestanding sign, a fascia or wall sign, a roof sign, a projecting sign, a canopy sign, a sign on an awning, an incidental sign, a directional sign, a manual or automatic changeable copy sign, a changing sign, a rotating sign, or a special sign subject to the provisions of this Code for each of these aforementioned signs unless such provisions are restricted to on-premise signs. (Ordinance No. 1981-8)

(f) At the intersection of any two (2) public streets, after February 8, 1981, it shall be unlawful for any person to erect a double or single faced off-premise sign at right angles to and, therefore, facing traffic on one (1) street any closer than two hundred (200) feet to a similarly positioned double or single faced off-premise sign at right angles to and, therefore, facing traffic on the other street, if one (1) sign is visible from the other. (Ordinance No. 1981-8)

(g) It shall be unlawful for any person to erect a structure for any freestanding or ground off-premise sign that is not of vertical or cantilever construction, and where the back of such sign is

visible it shall be unlawful for the owner of such sign to not keep such sign suitably painted or otherwise covered to present a neat and clean appearance. (Ordinance No. 1981-8)

(h) It shall be unlawful for the owner of any off-premise sign to not keep the area around such off premise sign structure clean and clear of all scrub brush and tall grass to a distance of at least five (5) feet to the rear and sides of such structure as well as to the front property line, and if on a corner site, to both front property lines. (Ordinance No. 1981-8)

(i) Subject to the provisions in subsections (a) through (h) of this Section 5.7 which establish customary use of off-premise signs within the City, it shall be unlawful for any person to erect any off-premise sign which is in violation of the "Highway Advertising Control Act of 1971", Ch. 121, Sec. 501 *et seq.*, Ill. Rev. Stat., 1979, as amended. (Ordinance No. 1981-8)

(j) The area of an off-premise sign shall not be included in the calculation of maximum allowed signage in a lot only if it is a ground or freestanding sign. (Ordinance No. 1988-33)

(k) The horizontal separation between ground/freestanding on-premise and off-premise signs shall be one hundred feet. (Ordinance No. 1998-95)

(l) No off-premise sign shall be closer than fifteen feet (15') from a side lot line. (Ordinance No. 1988-33)

(m) No off-premise sign shall be closer than one hundred feet (100') to a residential zoning district boundary line. (Ordinance No. 1998-95)

Section 5.8 : Other Signs.

(a) Incidental Signs. Up to two (2) incidental signs may be attached to a freestanding sign structure or to a building wall as a wall or fascia sign. Such signs are restricted to incidental signs as defined in Section 2.2 including official notices of services required by law, or trade affiliations. Area of each sign shall not exceed five (5) square feet. (Ordinance No. 1988-33)

(b) Directional Signs. Directional signs shall not exceed four (4) square feet per face in area nor exceed twelve (12) feet in height. Directional signs shall conform to all the applicable requirements of Section 5.7 of this Code for off-premise signs. No directional signs shall be permitted in the public right-of-way, except as required by Article 8, Sections 8.2(d), (n) and (t) of this Code. (Ordinance No. 1979-12)

(c) Manual or Automatic Changeable Copy Signs and Changing Signs. Any sign permitted in this Code (except nameplates) may be a manual or automatic changeable copy sign or an automatic changing sign unless otherwise restricted by this Code. Such sign must be declared as a changeable sign during the permit issuance process and will require approval by the Administrator. (Ordinance No. 1988-33)

(d) Rotating Signs. Any sign permitted in this Code (except nameplates) may be a rotating sign provided that such rotating sign does not violate Article 6 or Article 7 of this Code or is otherwise restricted by this Code. (Ordinance No. 1979-12)

Section 5.9 : Skeletal and Outline Lighting: Permitted by Value of Job.

Neon signs, skeletal or outline lighting, exterior or interior, must have UL listed electrode connectors and covers with at least 1½ " tube supports.

Channel letters must be in a listed sign body, i.e., backs, sides and faces with suitable spacing for tube and connections per NEC. 600-32.

Only accepted and listed wiring methods and materials per NEC Article 600 and other referenced NEC Articles. (Ordinance No. 1998-95)

Article 6 : Prohibited Signs

Except as otherwise provided in this Code, the following types of signs are expressly prohibited in all districts:

Section 6.1 : Animated and Intensely Lighted Signs.

No sign shall be permitted which:

- (1) Displays exposed incandescent lamps with ratings in excess of forty (40) watts;
- (2) Displays exposed incandescent lamps with internal or external metallic reflectors;
- (3) Displays revolving beacon lights;
- (4) Displays any continuous or sequential flashing operation in which more than two-thirds (2/3) of the lights are turned on or off at one (1) time.
- (5) All message centers will have a functional automatic dimming device, set to dim message centers at dusk equivalent of 20 watt lamp automatic operation. (Ordinance No. 1998-95)

Section 6.2 : Miscellaneous Signs and Posters.

The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structure is prohibited unless otherwise permitted by this Code. (Ordinance No. 1979-12)

Section 6.3 : Abandoned Signs

Abandoned signs, as defined in Section 2.2 of this Code, shall be prohibited. (See Section 9.2 of this Code). (Ordinance No. 1979-12)

Section 6.4 : Signs on Public Property.

No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electroliner, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this Code or by written agreement approved by the City Council, after determining that said sign is consistent with the intent of this Code. (Ordinance No. 1979-12)

Section 6.5 : Banners.

- (a) Banners, pennants, search lights, twirling signs, sandwich board signs, balloons or other gas filled figures shall not be used except as provided in (b) below. (Ordinance No. 1988-33)
- (b) Signs described in (a) above will be permitted at the opening of a new business in a commercial or industrial district for a total period not to exceed sixty (60) days and will be allowed in residential districts in conjunction with an open house or model home demonstration conducted by a Realtor for two (2) days before the opening of such a demonstration to two (2) days after and not to exceed a total period of thirty (30) days. Such signs shall conform to Chapter 10 of the Bloomington City Code. (Ordinance No. 1988-33)
- (c) Banners used other than what is described and allowed in (b) may be used in a commercial or industrial district as a temporary sign subject to a permit for no more than thirty (30) days. Placement and installation must comply with applicable provisions of this Code. Maximum area allowed is thirty (30) square feet. (Ordinance No. 1988-33)

Section 6.6 : Flags.

Flags other than those of any nation, state or political subdivision, religious flag, and corporate flags are prohibited except as set forth in Section 6.5(b) of this Code. (Ordinance No. 1979-12)

Section 6.7 : "A" Frame Signs.

"A" frame or similar signs without approved support or anchorage are prohibited. They may be considered as temporary signs and subject to the applicable provisions of this Code. (Ordinance No. 1988-33)

Section 6.8 : Unclassified Signs.

The following signs are also prohibited which:

- (a) bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;
- (b) are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;
- (c) operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts or any portion of which moves, or give the illusion of motion except at licensed drive-in theaters;
- (d) emit audible sound, odor or visible matter;
- (e) signs which purport to be or are an imitation of or resemble an official traffic sign or signal, or which bear the words "Stop", "Go Slow", "Caution", "Danger", "Warning", or similar words;
- (f) signs which by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or constructed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which obstruct a motorist's or pedestrian's view of any traffic or street sign or signal or device;
- (g) signs which are declared to be unsafe and unlawful signs under the provisions of Chapter 10 of the Bloomington City Code. (Ordinance No. 1988-33)

Section 6.9 : Electrical Portable Signs.

Use and display of electrical signs is prohibited, except for permanent LED signs no larger than 8 square feet on publicly funded, not-for-profit transit vehicles. (Ordinance No. 2017-61)

Article 7 : Construction Specifications

Section 7.1 : Compliance with Building Code.

All signs shall comply with the appropriate detailed provisions of BOCA National Building Code in effect and Chapter 10 of the Bloomington City Code relating to design, construction, alteration, repair and maintenance. Signs shall also comply with the provisions of the Bloomington Electrical Code and the additional construction standards hereinafter set forth in the specified Article 600 and references. (Ordinance No. 1998-95)

Section 7.10 : Use of Combustibles.

All signs shall conform with the provisions of Chapter 10 of the Bloomington City Code, regarding the use of combustible materials. All signs hereafter located on or at any lot or premises containing a gasoline service station shall be constructed of noncombustible materials as required by Chapter 17, Article III, Section 74, of the Bloomington City Code. (Ordinance No. 1988-33)

Section 7.2 : Construction of Signs, Auxiliary Specifications

- (a) Identification and Marking. Each sign hereafter erected or remodeled shall bear in a permanent position thereon a clearly legible identification plate stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction, erection and the date of erection. Electrical signs shall be marked with input amperages at the full load input similar to UL (48). (Ordinance No. 1979-12)
- (b) Obstruction to Exits. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress. (Ordinance No. 1979-12)
- (c) Obstruction to Ventilation. No sign shall be attached in any form., shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the Building or Fire Prevention Codes for the City. (Ordinance No. 1979-12)
- (d) Clearance from High Voltage Power Lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code Specifications, depending on voltages concerned. Reference to 100 which requires ten (10) foot separation from any conductor. (Ordinance No. 1998-95)

(e) Drainage. The roofs of all marquees exceeding forty (40) square feet shall be properly guttered. (Ordinance No. 1979-12)

Section 7.3 : Freestanding Signs - Materials

All freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by BOCA National Building Code in effect and Chapter 10 of the Bloomington City Code. Detail drawings of all pole or pylon sign foundations will accompany sign permit applications. (Ordinance No. 1998-95)

Section 7.4 : Electric Signs.

All electric signs have a disconnecting switch located in accordance with the provisions of the National Electrical Code. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring used in connecting illuminated signs to power source shall be installed by a properly licensed electrical contractor in accordance with the National Electric Code, except that licensed sign contractors shall be permitted to make electrical connections from illuminated signs to approved electrical wiring located within six (6) feet of signs or sign structures provided that such connections are made in accordance with the National Electric Code. (Ordinance No. 1979-12)

Section 7.5 : Glass

When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for sign areas in excess of three hundred (300) square inches at least one-quarter ($\frac{1}{4}$) inch wire glass shall be used and the maximum span between supports shall be four (4) feet. (Ordinance No. 1979-12)

Section 7.6 : Strength of Parapet Wall.

A parapet wall must have sufficient strength to support any sign which is attached thereto. (Ordinance No. 1979-12)

Section 7.7 : Supports and Braces.

Metal supports or braces shall be adequate for wind loading; see Section 7.8. Wire or cable supports shall have a safety factor of four (4). All metal, wire cable supports and braces and all bolts used to attach signs to brackets and signs to the supporting building or structure shall be galvanized or of an equivalent material. (Ordinance No. 1979-12)

Section 7.8 : Wind Loads.

All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of Articles 7 and 8 and the requirements of Chapter 10 of the Bloomington City Code. The effect of special local wind pressures shall be thoroughly considered in the design, but in no case shall the wind load be assumed less than thirty (30) pounds per square foot of net exposed area for roof signs or ground signs. (Ordinance No. 1988-33)

Section 7.9 : Sign Anchoring.

Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connectors. (Ordinance No. 1979-12)

Article 8 : Exemptions.

Section 8.1 : Exemptions.

The following activities are exempt from the requirements of this Code:

- (a) Changing of the advertising copy or message on an existing approved painting or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy.
- (b) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation provided that it is due to a change caused by breakage and/or deterioration of the face, but not for the substitution of a new or different advertiser.

(c) Changes in the consent of show window displays and permitted temporary signs. (Ordinance No. 1979-12)

Section 8.2 : Exempt Signs.

The following operations shall not be considered as requiring the issuance of a sign permit, but any sign thus created must be in conformance with all other building, structural and electrical laws and regulations of the City:

(a) Construction Signs. One construction sign per construction project not exceeding thirty-two (32) square feet in sign area in residential districts or sixty-four (64) square feet in commercial or industrial districts, provided that such signs shall be erected no more than thirty (30) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed thirty (30) days after completion of construction and prior to occupancy.

(b) Direction or Instructional Signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise the sale of merchandise or services or any business and do not exceed four (4) square feet in area, such as signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature. Such signs may identify the establishment to which the directions or instructions thereon are pertinent. (Ordinance No. 1984-53)

(c) Flags. The flags, emblems or insignia of any nation or political subdivision or corporate flag

(d) Governmental Signs. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing sign and signs of public service companies indicating danger and aids to service safety which are erected by or on the order of a public officer in the performance of his public duty.

(e) Holiday Decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year. Such signs may be of any type, number, area, height, illumination or animation, and shall be set back ten (10) feet from all boundary lines of the lot provided that a clear area be maintained to a height of seventy-two (72) inches within fifty-five (55) feet of the intersection of two (2) streets, a railroad and a street, or a street and driveway.

(f) House Numbers. House numbers not exceeding two (2) square feet in area for each dwelling unit or mobile home.

(g) Non-electrical Interior Signs. Non-electrical signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and non-electrical signs for and located within the inner or outer lobby, court or entrance of any theater, that are not visible from

the public right-of-way. This does not, however, exempt such non-electrical signs from the structural or material specifications as set out in this Code. (Ordinance No. 1994-27)

(h) Memorial Signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

(i) Notice Bulletin Boards. Notice bulletin boards not over thirty-two (32) square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.

(j) No Trespassing or No Dumping Signs. No trespassing or no dumping signs not to exceed one and one-half (1½) square feet in the area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the Administrator for additional signs under proven special circumstances.

(k) Occupant Signs, Nameplates. One (1) nameplate for each dwelling unit or mobile home not to exceed two (2) square feet in area indicating the name of the occupant, location or identification of a home professional office, provided the use of the premises is legal both in substance and at that location. (Ordinance No. 1984-53)

(l) Wall Signs, Fence Signs. In business and manufacturing zones, a sign painted on the surface of a fence or approved building wall or any non-illuminated wall sign on a building or structure which is not more than ten (10) square feet in sign area. (Ordinance No. 1979-16)

(m) Public Notices. Official notices posted by public officers or employees in the performance of their duties.

(n) Public Signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation required by the law, statute or ordinance under which the signs are erected.

(o) Real Estate Signs. One (1) real estate sign per residential lot, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed nine (9) square feet in area, and is removed within ten (10) days after the closing date of a sales contract or the effective date of a lease. One (1) real estate sign per commercial or industrial lot, provided that such signs are not over twenty-five (25) square feet in sign area.

(p) Permanent Window Signs. Except in residential zones, for each ground floor occupancy of a building, permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Said signs may be in addition to those signs permitted under the other provisions of this Code. The total copy area of such signs, however, shall not exceed a maximum of twenty-five percent (25%) of the total window area or one (1) square foot per lineal front foot of the premises occupied, whichever is the lesser.

(q) Signs in the Display Window. Signs in the display window of a business use which are incorporated with a display of merchandise or a display relating to services offered which comply with subparagraph (p) herein.

- (r) Symbols of Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem, shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.
- (s) Temporary Signs. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days before said event and are removed no more than fifteen (15) days after an event.
- (t) Warning Signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary to be removed upon subsidence of danger.
- (u) Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name. (Ordinance No. 1979-12)

Article 9 : Removal and Disposition of Signs.

Section 9.1 : Maintenance and Repair

Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The Administrator shall require compliance with all standards of this Code and any other applicable laws. If the sign is not made to comply with adequate safety standards, the Administrator shall require its removal in accordance with this Article. (Ordinance No. 1984-53)

Section 9.2 : Abandoned Signs.

Except as otherwise provided in this Code, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or the premises. (Ordinance No. 1979-12)

Section 9.3 : Dangerous or Defective Signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or owner of the premises. (Ordinance No. 1979-12)

Section 9.4 : Unlawful Signs.

It shall be illegal for any person to erect, create, paint, own, keep, display or maintain any sign which does not comply with the provisions of this Code or any other applicable laws. (Ordinance No. 1984-53)

Section 9.5 : Removal of Signs by the Administrator

The Administrator shall cause to be removed any sign known by him to be unlawfully placed on any public right-of-way or on any utility easement within the City. Any such unlawfully placed signs may be removed by the Administrator without notice to the owner thereof. The Administrator may notice the owner, if known, that their sign has been removed and they may redeem it from the Administrator within seven (7) days and/or as provided in Section 9.6 of this code. (Ordinance No. 2010-55)

The Administrator shall cause to be removed any sign believed by him to endanger the public safety. Such signs may be removed by the Administrator without notice to the owner thereof, if known, in an emergency and shall be removed by the Administrator in any case within twenty-four (24) hours after the owner thereof, if known, has been notified by the Administrator.

The Administrator shall cause to be removed an abandoned sign, a sign which is materially, electrically or structurally defective, a sign for which no permit has been issued, a sign which is not permitted by Articles 4 or 8 hereof, or a sign which otherwise has been declared to be unlawful. The Administrator shall prepare a notice to the owner, if known, which shall describe the sign and specify the violation or lack of compliance involved and which shall state that if the sign is not removed or the violation is not corrected within fourteen (14) days, the sign shall be removed in accordance with the provisions of this Article. During the time of removal, other new signs placed on the premises which are similarly in violation may be removed without advance notice.

The owner of any unlawfully placed or otherwise unlawful sign that has been removed by the Administrator may redeem such sign from the Administrator upon payment of the cost to the City of causing such sign to be removed. Such costs of removal for all such signs shall not be less than Twenty-five Dollars (\$25.00). Costs of any sign removal shall be recovered by the City as provided by Section 9.6 of this Code.

All notices mailed by the Administrator shall be sent by certified mail except those written notices which confirm oral notices and these may be sent by regular mail as may other notices so specified. Any time periods provided in this Article shall be deemed to commence on the date of the receipt of notice, whether written or oral.

In the direction of the Administrator and except as otherwise provided herein notices may also be orally provided to, mailed to or delivered to the owner of the property on which the sign is located as shown on the last equalized general real estate tax assessment roll and/or the occupant of the property, if known.

Any person having an interest in a sign or property associated therewith may appeal the determination of the Administrator ordering removal of the sign or compliance by filing a written notice of appeal with a written statement of the reasons in support of his/her position with the Sign Code Board of Review within fourteen (14) days after the date of receipt of a notice, whether written or oral, for removal of the sign. (Ordinance No. 1988-33)

Section 9.6 : Disposal of Signs - Fees.

Any sign removed pursuant to the provisions of this Article may be disposed of in any manner deemed appropriate by the City. The cost to the City for removal of the sign shall be considered a debt owed to the City by the owner of the sign and/or the owner of the property, and may be recovered in an appropriate court action by the City or by placement of a lien upon the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the sign's removal; costs may be recovered by the City in the manner provided.

(a) The notice given by the Administrator shall state the remedial action required to be taken; if such action is not taken within the time limits set forth in this Code, the cost of correcting the unlawful statute of the sign may be charged against the property on which the sign is located, together with any additional five percent (5%) for inspection and incidental costs and an additional ten percent (10%) penalty for the cost of collection, and collected in the same manner as real estate taxes against the property.

(b) In the event that the owner of the premises, or person entitled to possession thereof, or the owner of the sign, shall fail, neglect or refuse to comply with the notice to remove, repair, rehabilitate or demolish the sign declared to be unlawful, as appropriate, the owner of the sign, the owner of the premise upon which the sign is located, and the permit entitled to possession thereof (if other than the owner of the premises), or all or any of them, may be prosecuted for violation(s) of this Code. The Administrator may remove the sign declared to be unlawful. (Ordinance No. 1984-53)

(c) If it shall be necessary for the Administrator to remove a sign pursuant to the provisions hereof, bids shall be taken when the estimated costs of removal or demolition exceed One Thousand Five Hundred Dollars (\$1,500.00). When completed, the Administrator shall certify to the Director of Finance the legal description of the property upon which the work was done, together with the

name of the owner thereof, as shown by the tax rolls of the City of Bloomington, together with a statement of work performed, the date of performance and the cost thereof.

(d) Upon receipt of such statement, the Director of Finance shall mail a notice to the owner of said premises as shown by the tax rolls at the address shown upon the tax rolls by certified mail, postage prepaid, notifying such of the costs thereof (as certified by the Administrator), together with five percent (5%) for the inspection and the other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days following the mailing of such notice, the Director of Finance will place a lien upon said owner.

(e) If the Finance Department shall not receive payment within a period of thirty (30) days following the mailing of such notice, the Director of Finance will place a lien upon said property.

(f) Each such lien against each lot or tract of land assessed, until paid, and shall have priority over all other subsequent liens except general and special taxes.

(g) For purposes of this Article, the owner of property upon which a sign is located shall be presumed to be the owner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the Administrator.

(h) Notwithstanding the provisions cited above in this Article, in cases of emergency, the Administrator may cause to be repaired or removed summarily and without notice any unlawful sign which creates an immediate hazard to the public through improper construction, or which creates a hazard by obstructing view at intersections of either motorist or pedestrian or any sign which has become an immediate hazard to the public. Summary removal or repair provided for herein shall not relieve the owner of the sign or the property on which it is located from liability to the City for the costs provided for in this Section 9.6. (Ordinance No. 1979-12)

Article 10 : Legal Nonconforming Signs

Section 10.1 : Legal Nonconforming Signs.

(a) Notification of Nonconformity. After the enactment of this Code, the Administrator shall, as soon as practicable, survey the City for signs which do not conform to the requirements of this Code. Upon determination that a sign is nonconforming, the Administrator shall use reasonable efforts to so notify either personally or in writing the user or owner of the property on which the sign is located of the following:

- (i) the sign's nonconformity; and
- (ii) whether the sign is eligible for characterization either as Legal Nonconforming" or "Unlawful".

Failing determination of the sign owner, user, or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated. (Ordinance No. 1979-12)

(b) Signs Eligible for Characterization as "Legal Nonconforming". Any sign located within the City limits on the date of adoption of this Code or located in an area annexed to the City thereafter, which does not conform with the provisions of this Code, is eligible for characterization as a "legal nonconforming" sign and is permitted to continue as provided in this Article, provided it also meets the following requirements:

(1) The sign was covered by a sign permit or variance on the date of adoption of this Code if one was required under applicable law or ordinance;

(2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law or ordinance on the date of adoption of this Code. (Ordinance No. 1979-12)

(c) Loss of Legal Nonconforming Status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

(1) the sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which tends to or increases nonconformity to the sign with the requirements of this Code; or

(2) the sign is relocated to a position making it less in compliance with the requirements of this Code; or

(3) the sign is replaced, so as to increase its nonconformity. (Ordinance No. 1979-12)

(d) On the happening of any one of (1), (2) or (3) of Section 10.1(c) of this Code, the sign shall be immediately brought into compliance with this Code with a new permit secured therefor or shall be removed. (Ordinance No. 1979-12)

Section 10.2 : Legal Nonconforming Sign Maintenance and Repair.

Nothing in this Article shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Code provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming. (Ordinance No. 1979-12)

Article 11 : Special Meetings

Section 11.1 : Subdivision Development Signs.

The Administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision subject to the following conditions:

- (a) Time Limit: Such permits may be issued for a period not to exceed one (1) year. The Administrator may renew such permits for additional periods of up to one (1) year for each permit upon written application at least thirty (30) days prior to its expiration.
- (b) Type of Sign: Signs as used in this Section refer to all types of signs except signs exempted under Article 8 of this Code and those prohibited under Article 6 of this Code.
- (c) Legend: The off-site sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate sales firm, and may refer to materials, appliances, supplies and building trades used in construction of the dwelling units, or services provided by the developer.
- (d) Location: Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located. No such sign shall be permitted to remain in one (1) subdivision or in one (1) lot of a subdivision for the purpose of advertising the sale of lots or structures in another subdivision, or another lot within the same subdivision, without the express permission of the Administrator. (Ordinance No. 1979-12)

Section 11.2 : Signs for Special Events.

Temporary signs, not in excess of four (4) square feet in area, may be erected as participation in a public parade, public event or public celebration for a period not to exceed ten (10) days provided, however, the erection of such sign shall be approved by the Administrator. (Ordinance No. 1979-12)

Section 11.3 : Nonexempt Signs for Direction or Instruction.

Signs not in excess of eight (8) square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain and do not contain any advertising message other than the name of the establishment to which the directions or instructions thereon are pertinent. In addition, the Administration, with the approval of the City Engineer, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fair grounds and other similar public service facilities. (Ordinance No. 1986-155)

Section 11.4 : Non-Electrical Portable Signs; Permits Required.

- (a) Permit. It shall be unlawful for a non-electrical portable sign to be placed or displaced at any outdoor location unless a permit has been secured from the Administrator. The permit fee shall be Twenty Dollars (\$20.00) for each sign, location and allowed thirty (30) day duration. (Ordinance No. 1998-95)
- (b) Time Limit. It shall be unlawful for any non-electrical portable sign to be displayed for more than thirty (30) days at a time at any one (1) premise or location nor more frequently than ninety (90) days between each such period of display at any one (1) premise or location. (Ordinance No. 1986-155)
- (c) Portable Signs Prohibited. It shall be unlawful for any non-electrical portable sign to be displayed which violates Article 6 or Article 7 of this Code. (Ordinance No. 1986-155)
- (d) Setback. It shall be unlawful for any non-electrical portable sign to be set within the public right-of-way or nearer to the street right-of-way line than the minimum distance required by Section 5.1(d) of this Code for adequate sight distance along said street. (Ordinance No. 1986-155)

Section 11.5 : Election Signs.

- (1) Notwithstanding any prohibition or restriction in this Code, persons are authorized to erect and maintain election signs as provided in this Section 11.5. It shall be unlawful for any person to erect or maintain any election sign on any property other than as permitted herein.
- (2) Registration Required:
 - (a) All candidates or their representative shall be required to register with the Administrator (Director of Department of Building Safety or his designated representative) before erecting any election sign permitted under this Section 11.5.
 - (b) Registration forms shall be supplied by the Administrator. The registration shall include a statement that the applicant shall to the best of his ability, insure that all signs shall be erected in conformity with this Section 11.5. There shall be no charge for this registration which shall be issued promptly to all applicants. A registration issued under this Section 11.5 shall be accompanied by a copy of all regulations which may pertain to election signs.
- (3) Location of Signs; Consent of Property Owner.
 - (a) Signs authorized under this Section 11.5 may be placed in the yard of any building or building lot in the City. It shall be unlawful, however, to place such signs in any part of the public right-of-way or in any place in front of said building which diminish visibility or constitute or create any danger of a traffic accident.

(b) It shall be unlawful to erect an election sign upon any property without the consent of the owner thereof. (Ordinance 1982-70)

(c) It shall be unlawful for any political sign to be affixed to any benches, telephone booths, waiting areas for buses, fire hydrant, traffic control sign or device, street sign, or utility pole of any kind. Any signs so affixed may be summarily removed by the Administrator. (Ordinance No. 1982-70)

(4) Types of Signs: (Ordinance No. 2003-56)

(a) Signs on residential building lots shall be single or double faced, nonilluminated, shall not exceed six (6) square feet in area, and shall not exceed three (3) feet in height. (Ordinance No. 1982-70)

(b) Signs on commercial building lots shall be single or double faced, nonilluminated, shall not exceed sixteen (16) square feet in area, and shall not exceed six (6) feet in height. Signs on commercial lots may be either facia or ground signs. (Ordinance No. 1982-70)

(5) Time of Display. Any sign authorized under this Section 11.5 shall not be displayed more than ninety (90) days prior to any Primary, Regular, General or Special election. Any signs authorized under this Section 11.5 shall be removed by midnight of the Saturday following said election, including primary election. (Ordinance No. 2003-56)

Article 12 :

Section 12.1 : Review, Variances and Recommendations.

Review of decisions of the Administrator relating to the issuance of permits, removal of illegal signs and the granting of variances from the requirements of this Code shall be done by the Zoning Board of Appeals pursuant to Chapter 44, Section 44.12-1, unless said appeal is brought pursuant to Article 7 of this Chapter, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code. The Zoning Board of Appeals shall also review and advise the Administrator regarding proposed changes to this Chapter. (Ordinance No. 2012-71)

Article 13 : Administration and Enforcement

Section 13.1 : Code Administrator.

The Administrator shall be chosen and shall serve at the pleasure of the City Manager. The Administrator is hereby authorized and directed to enforce and carry out all provisions of this Code,

both in letter and spirit, with vigilance and with all due speed. The Administrator is authorized to promulgate regulations and procedures consistent with the purpose of this Code toward that end. The Administrator is further empowered to delegate the duties and powers granted to and imposed upon him under this Code. As used in this Code, "Administrator" shall include his authorized representative. (Ordinance No. 1970-12)

Section 13.2 : Inspection by Administrator.

The Administrator is hereby empowered to enter or inspect any building, structure or premises in the City upon which or in connection with which a sign, as defined by this Code, is located for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this Code. Such inspections shall be carried out during business hours, unless an emergency exists. (Ordinance No. 1979-12)

Section 13.4 : Civil Remedies.

The remedies provided in this Section for violations of or failure to comply with provisions of this Code, whether civil, criminal or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

Except as otherwise provided in this Code, any sign which is not in compliance with all of the applicable provisions of this Code or any other law shall be referred to herein as an "unlawful" sign. (Ordinance No. 1984-53)

Section 13.4 : Civil Remedies.

The violation of or failure to comply with any of the provisions of this Code or the erection, use or display of any sign not in compliance with all of the provisions of this Code shall be and hereby is declared to be unlawful. (Ordinance No. 1979-12)

Section 13.5 : Criminal Penalty.

The violation of or failure to comply with any of the provisions of this Code or the erection, use or display of any sign not in compliance with all of the provisions of this Code shall be and the same are hereby declared to be a quasi-criminal violation of the law. Upon conviction, any person in violation of or failure to comply with any of the provisions of this Code or the owner or user of any unlawful sign or the owner of the property upon which an unlawful sign is located, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) for each week or portion thereof, that the violation

or noncompliance or use or display of the unlawful sign occurs or has continued. Every person involved in the violation of or failure to comply with the Code, whether he directly commits the act or aids or abets the same, and whether present or absent, shall be proceeded against and held as a principal, provided however, that the owner of property on which an unlawful sign is located who is not also the owner or user of the unlawful sign shall be subject to the said quasi-criminal penalties only if demand for removal or alteration of the unlawful sign shall have been personally served upon or mailed by certified mail, return receipt requested, to said owner and the demand has remained uncomplished with for a period of time specified herein, (Ordinance No. 1984-53)

Section 13.6 : Assurance of Discontinuance.

As an additional means of enforcing this Code, the Administrator may accept an assurance of discontinuance of any act or practice deemed in violation of this Code or of any rule or regulation adopted pursuant hereto from any person engaging in or who has engaged in such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the forms of any such assurance shall constitute prima facia proof of a violation of this Code or any rule or regulation adopted pursuant hereto or order issued pursuant thereto which make the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction. (Ordinance No. 1979-12)

Article 14 : Conflict, Severability and Effective Date.

- (a) Conflict. If any portion of this Code is found to be in conflict with any other provision of any Zoning, Building, Fire, Safety or other Ordinance of the Code of the City of Bloomington, the provision which establishes the higher standard shall prevail. (Ordinance No. 1979-12)
- (b) Severability. If any section, subsection, sentence, clause or phrase of this Code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Code or the application of the provision to other persons or circumstances in effect and shall remain in full force and effect. (Ordinance No. 1979-12)
- (c) Effective Date. This Code shall take effect and be in force on February 23, 1979. Approved by the City Council this 12th day of February, 1979 and signed in authentication of its passage this 12th day of February, 1979. (Ordinance No. 1979-12)

Article 15 : Handbills, Etc.

Section 20 : Definitions.

(a) Handbill. For the purpose of this Chapter the word "handbill" shall mean any circular, pamphlet, dodger, advertisement, sheet, placard, poster, sticker or other written or printed matter except regularly published newspapers or magazines. (Ordinance No. 1979-12)

(b) Commercial Handbill. For the purpose of this Chapter, the words "commercial handbill" shall mean any circular, pamphlet, dodger, advertisement, sheet, placard, poster, sticker, or other written or printed matter designed to promote the sale of any article for profit or designed to promote any profit making venture. The words "commercial handbill" shall not include any regularly published newspaper or magazine. (Ordinance No. 1979-12)

Section 21 : Distributing Handbills, Etc. - License - Penalty.

No person, firm or corporation shall carry on the business of distributing handbills, samples, or advertisements of any kind within the limits of the City of Bloomington without first having obtained a license therefor from the City Manager. (Ordinance No. 1979-12)

Section 22 : Application for License.

Application for the license required by the preceding sections shall be made to the City Manager upon forms provided by the City Clerk and shall be accompanied by a license fee, payable to the City in the amount specified in Section 5 of this Article. (Ordinance No. 1979-12)

Section 23 : Employee of Unlicensed Person - Penalty.

Any person distributing handbills, samples, or advertisements of any kind for any person, firm, or corporation engaged in the business described in the above Section of this Article, and which person, firm, or corporation has not been licensed as herein required, shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). (Ordinance No. 1979-12)

Section 24 : License Fee.

Every person, firm, or corporation carrying on the business of distributing handbills, samples, or advertisements of any kind within the City of Bloomington shall pay an annual license fee of Fifty Dollars (\$50.00). (Ordinance No. 1979-12)

Section 25 : Immoral Bills Prohibited - Penalty.

No person, firm, or corporation shall distribute or cause to be distributed within the limits of the City any bills or advertisements containing pictures, illustrations, or written or printed accounts of an obscene or unmoral character, under a penalty of not less than Fifteen Dollars (\$15.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Ordinance No. 1979-12)

Section 26 : Posting in Certain Places Prohibited - Penalty.

No person, firm, or corporation shall paste, paint, print, nail, or attach or o be pasted, painted, printed, nailed, or attached any handbill, advertisement, placard or instrument of any kind on any curb stone, flag stone, or any portion of any part of any sidewalk or upon any tree, lamp post, telegraph, telephone, or electric light pole, hydrant, or police patrol box, or upon any private wall, door, gate, or fence without the consent in writing of the owner thereof. Any person violating any of the provisions of this Section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Ordinance No. 1998-95)

Section 27 : Bills Advertising Medicine or Medical Skill - Samples - Penalty.

No person, firm, or corporation shall place, distribute or cause to be distributed in the City any handbill, advertisement, or other instrument giving notice of any person having or professing to have skill in the treatment or cure of any disorder or disease, or giving notice of any sale, or exposure for sale of any nostrum or medicine. No person, firm, or corporation shall distribute or cause to be distributed any sample of medicine or herbs of any kind within the limits of said City. Any person, firm, or corporation violating any of the provisions of this Section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense, and every single placing, posting, or distributing shall be considered a separate offense. (Ordinance No. 1998-95)

Section 28 : Advertising Medicines or Remedies.

No person shall post or cause to be posted upon or in any place within the City where same can be seen from the streets, alleys, or other public places of the City, any handbill or notice of any character whatsoever, giving or purporting to give information from whom or where medicine or remedies of any kind may be obtained for the cure, prevention, or treatment of uterine disease or diseases peculiar to females, venereal diseases or diseases of the genital organs; or nervous debility, impotence, sterility, or barrenness, gonorrhea, gleet, stricture, syphilis, infection of the prostate

gland, abortion or miscarriage, or articles or means of preventing conception. (Ordinance No. 1979-12)

Section 29 : Distribution Near School, Etc. - Penalty.

No person, firm, or corporation shall distribute or cause to be distributed any handbills, tickets, samples, or advertisements of any kind whatever to any child or children within a radius of one thousand (1,000) feet of any public or private school house or place used for school purposes, or any public or private building in which children may assemble or meet, nor shall any such matter be so placed that the same may be accessible to any child or children within such distance. All violations of this Section shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00). (Ordinance No. 1979-12)

Section 30 : Placing Handbills in or Upon Motor Vehicles.

It shall be illegal for any person to place any handbill in or upon any automobile or other motor vehicle while such automobile or other motor vehicle is parked on any street, in any public parking lot, or on any other public property in the City, or is being driven upon the streets of the City without having first obtained the consent of the owner or person in charge of such automobile or other motor vehicle. (Ordinance No. 1984-85)

Section 31 : Commerical Handbills.

- (a) No person shall distribute commercial handbills as herein defined upon the streets, alleys, or sidewalks of the City. (Ordinance No. 1979-12)
- (b) All of the prohibitions as to use of handbills set forth in the preceding Sections of this Chapter shall only apply to the use of commercial handbills. (Ordinance No. 1979-12)

Section 32 : Untrue or Misleading Advertisements.

If any person in a newspaper, circular, form letter, or other publication published, distributed, or circulated in the City, or on any billboard, sign, card, label, or other advertising medium, displayed on, in, or near a showcase, store, or other place in the City makes or disseminates or causes to be made or disseminated any statement or assertion of fact concerning the quantity, the quality, the method of production or manufacture, the cost of production, the cost to the advertiser, the present or former price or the reason for the price of the merchandise or such person or concerning the manner or source of purchase of such merchandise or the possession of rewards, prizes, or

distinctions conferred on the appearance of an offer, advantageous to the purchaser and is untrue or calculated to mislead the person causing such statement or assertion to be made or disseminated shall upon conviction be punished as provided in Section 1-6 of this Code. (Ordinance No. 1979-12)

Section 33 : Throwing or Scattering Handbills on Streets, Etc.

No person shall throw or scatter handbills or other paper upon the streets, alleys, or sidewalks of the City. (Ordinance No. 1979-12)

Section 34 : Article Not Applicable to Legal Matters.

The provisions of this Article shall not have any application to notices required by law. (Ordinance No. 1979-12)

Section 35 : Penalty.

Any person violating or failing to comply with any of the provisions of this Article shall upon conviction be punished as provided in Section 1-6 of this Code. (Ordinance No. 1979-12)