



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

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

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

4. **MINUTES**

Review and approval of the minutes of the August 3<sup>th</sup>, 2022 regular Planning Commission meeting.

5. **REGULAR AGENDA**

- A. **Z-10-22** Public hearing, review and action on a petition submitted by Habitat For Humanity of McLean County requesting approval of a Zoning Map Amendment for the property located at 1305 Bunn Street, from R-1C (Single-Family Residence) District to R-2 (Mixed Residence) District. (PIN: 21-09-284-010) (Ward 1) *Tabled to Oct. 6<sup>th</sup> Special Meeting*
- B. **PS-03-22** Public hearing, review and action on a petition submitted by Tentac Enterprises, LLC requesting approval of an Amended Preliminary Plan for Fox Creek Country Club for the property generally located near the intersection of Carrington Lane and Fox Creek Road. (PINs: 20-24-205-014 & 20-24-100-019) (Ward 2)
- C. **PR-08-22** Public hearing, review and action on a petition submitted by David Schmidt of LJP Architects requesting approval of a Legislative Site Plan for the property located at 506 IAA Drive, Suite 101. (PIN: 14-35-378-016) (Ward 5)
- D. **Z-24-21** Public Hearing, review and action on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules.

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



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MINUTES

PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS  
REGULAR MEETING  
OSBORN ROOM, 2<sup>ND</sup> FLOOR POLICE DEPARTMENT  
305 S. EAST STREET, BLOOMINGTON, IL  
WEDNESDAY, AUGUST 3, 2022 4:00 P.M.

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

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, August 3, 2022, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic and Community Development Director

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

**ROLL CALL**

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

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Mr. Branham called the roll. Mr. Danenberger - Present, Mr. Sant-Amour - Present, Mr. Galpalli - Present, Mr. Krieger - Present, Ms. Beyer - Present, Vice-Chair Boyd - Present, and Chair Mohr - Present. With 7 members were present, a quorum was present.

## **PUBLIC COMMENT**

No one was present to provide public comment and staff noted none had been submitted.

## **MINUTES**

Mr. Krieger motioned to approve the minutes from the May 4<sup>th</sup>, 2022 and June 1<sup>st</sup>, 2022 meetings. Mr. Danenberger seconded. A voice vote was held. All ayes. The motion passed.

## **REGULAR AGENDA**

**A. Z-09-22 Public hearing, review and action on a petition submitted by Sarah Lindenbaum & Alister Smith for an S-4 (Historic Preservation District) Overlay (Local Historic Preservation Designation) for property located at 1001 N Evans Street (PIN: 21-04-226-008).**

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

Mr. Wetterow stated the request has already been heard and approved by the Historic Preservation Commission.

Mr. Wetterow provided background information on the historical and architectural significance of the property and noted the key existing original architectural features specifically identified by the Historic Preservation Commission.

Mr. Wetterow provided a cursory overview of the intent of the S-4 (Historic Preservation District) Overlay to the Commission.

Ms. Beyer asked what the motivation or benefit is to having a property designated S-4. Mr. Wetterow explained that one is that it provides protection for historic aspects of the building, another is that S-4 designated properties have access to Funk Grant funding for assisting with the maintenance and preservation of the property. Ms. Smith added that an additional benefit of the designated is the property would be eligible for tax credits.

Commissioner Beyer asked where the Funk Grant funding comes from. Mr. Branham explained that the Funk Grant is City funded, only receivable once per year, and up to a maximum of \$5,000.

Commissioner Beyers inquired how this affects the ability to return to property to apartments or use for other purposes. Mr. Wetterow clarified that this does not change the base zoning

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of the property and its associated uses but applies the overlay district *in addition* to the zoning district that governs the land use.

Commissioner Beyer asked about whether the re-salability of the property is considered when applying this designation. Her inquiry was related to whether designation is beneficial or detrimental when someone goes to sell a property. Mr. Wetterow stated Staff does not take this into consideration when reviewing the applications. The consideration of any Map Amendment is upon the public good.

Commissioner Beyer asked how being designated relates to potential future demolition of the building. Mr. Wetterow stated the demolition process is a whole process in and of itself, but that the hope is that designation helps provide incentive for owners to maintain and reduces the risk of blight and eventual demolition. No matter the zoning of the building, if a building is 50 years old, or older, and someone applies for a demolition permit, the Historic Preservation Commission Chairperson reviews the application.

The Chair opened the public hearing.

Sarah Lindenbaum (1001 N. Evans Street) introduced herself as one of the Petitioners and noted that the other Petitioner, Alister Smith, her husband was not able to attend. Ms. Lindenbaum provided additional information related to the historic and architectural significance of the property. Built in 1895 as Queen Ann style single-family home, with many of the traditional and characteristic features, and some of those characteristic and elaborate features are still present. The architect was likely George Miller, and the home was built by prior alderman, and was residence to the person who developed the modern-day process for human blood plasma and serum (J. Edgar Welch).

Chair Mohr asked the Petitioner how the overlay will be beneficial.

The Petitioner stated that the prior owners had started some rehabilitation work on the property, and they have an interest in continuing that work, given the historic and architectural significance of the property.

Chair Mohr clarified that the overlay would help ensure that those features are preserved.

The Petitioner stated it would. She stated, “one of the things that enriches the City is our historic properties, and they are not always given the love and attention they deserve.” The Petitioners would like to provide this property the care and attention that it deserves.

There was no discussion by the Commission.

A motion was made to approve Resolution 2022-01 by Commissioner Boyd, seconded by Commissioner Kreiger. Roll Call Vote. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Mr. Krieger - Yes, Ms. Beyer - Yes, Vice-Chair Boyd - Yes, and Chair Mohr - Yes. (7-0). The motion passed.

A motion was made to establish finding of facts as presented by the staff by Commissioner Boyd, seconded by Commissioner Danenberger. Roll Call Vote. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Mr. Krieger - Yes, Ms. Beyer - Yes, Vice-Chair Boyd - Yes, and Chair Mohr - Yes. (7-0). The motion passed.

A motion was made to recommend approval of the Zoning Map Amendment to the City Council by Commissioner Boyd, seconded by Commissioner Kreiger. Roll Call Vote. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Mr. Krieger - Yes, Ms. Beyer - Yes, Vice-Chair Boyd - Yes, and Chair Mohr - Yes. (7-0). The motion passed.

Staff noted that this case will be heard on the August 22, 2022, City Council agenda.

**B. PR-07-22 Public hearing, review and action on a request by petition submitted by John Phillips, on behalf of Coffee Bros, LLC, for a Legislative Site Plan Review, and potential Variances, for the property located at 1508-1510 N, Main Street. PIN: 14-33-329-012.**

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

Mr. Branham noted there were no variances associated with the request, but the project is still pending Illinois Department of Transportation (IDOT) approval, which could result in modifications to the site plan. This could potentially result in the petitioner having to return to the Commission to amend the site plan, if necessary.

Mr. Branham stated the building is 644 sq ft and is a drive-through only facility. The Petitioner is not modifying the access points. There are two drive-through ordering lanes that meet stacking requirements, and a bypass lane has been provided. Landscaping and parking requirements have also been met.

Commissioner Boyd inquired if sidewalks were already established around the property. Mr. Branham confirmed they were existing, and noted direct pedestrian access has been provided from the sidewalk along Main Street to the building.

Commissioner Boyd inquired about bike parking. Mr. Branham stated there was none indicated on the plan. He stated the business will be primarily concentrated on the drive-through component.

Commissioner Beyer asked if there have been any other requests for drive-throughs in the area. Mr. Branham stated that he was not aware of any within the last year.

Robbie Ryan (14006 Charles Street, Omaha, Nebraska). Mr. Ryan represents Coffee Bros, LLC, whom if affiliated with Scooter's Coffee. Mr. Ryan stated Scooter's Coffee started in 1994 in Omaha. His development firm has constructed approximately 16-20 stores thus far. His firm builds the stores and either sells or leases the land to them. He stated Scooter's currently has 460 stores with plans to grow to 600 stores by end of this year and 1,000 by the end of next year. They are operating in more than 20 states. This location will be strictly drive-

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through, no inside access will be provided. They are looking to have four locations within Bloomington eventually. They are also looking to put three locations in Peoria and three locations in Decatur. He stated he felt the located is ideal as the area is underserved when it comes to coffee.

Chairperson Mohr wanted to clarify that there is no walk-up window. Mr. Ryan stated that is correct. Chairperson Mohr noted the pedestrian access would be for employees. Mr. Ryan answered in the affirmative. Mr. Wetterow clarified that even though there is no inside access, City Code requires the pedestrian access.

Chairperson Mohr asked about parking as needed or required. Mr. Ryan said they typically provide 6-7 per store, but 10 was required here and provided.

Vice-Chairperson Boyd expressed concern about landscaping near roadway and visibility. Mr. Branham and Mr. Wetterow stated the Code has a section related to site triangles which limits the height of structures and vegetation within them to ensure visibility is not impaired. The site visibility requirements must be met and appear to be based upon the site plan.

Mr. Ryan stated Scooter's would make sure the landscaping stays under control. Their intent is for the business to be seen.

Chairperson Mohr stated the Commission has recommended one-way-in, one-way-out sometimes in the past for drive-throughs, but since this is located between two one-way streets that may not be practical for the site and he is not recommending this for this site.

Commissioner Galpalli asked how many employees there are and is their sufficient parking to accommodate. Mr. Ryan stated there are typically 4-5 employees between 5:30am-9am, 2-3 employees until 5pm, and then 1-2 employees until close, typically by 7-8pm, depending on demand.

Commissioner Beyer asked for clarification on traffic circulation within the site. Chairperson Mohr explained that sometimes the Commission has made recommendations on adjusting flow to limit queueing issues, but this would not be an instance where this would be applicable.

Commissioner Boyd made a motion to establish findings of fact and recommend approval. The motion was seconded by Commissioner Galpalli. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Mr. Krieger - Yes, Ms. Beyer - Yes, Vice-Chair Boyd - Yes, and Chair Mohr - Yes. (7-0). The motion passed.

Staff noted that this case will be heard on the August 22, 2022, City Council agenda.

## **OLD BUSINESS**

Chair Mohr encouraged advance review and the provision of input to staff any time they send out information, and additional information to staff between now and the next meeting.

City Planner, Glen Wetterow, stated that Staff have updated the text amendments to reflect the input received at the last Planning Commission Meeting. Staff is presenting these refined text amendments to the Commission for additional input and clarification. Staff's goal is to have the text amendments as formal agenda items by the end of the year.

### **Discussion Item 1- Residential nonconformities in the B-1**

City Staff, Glen Wetterow, presented the updated version of the text amendment to the Commission. Mr. Wetterow noted the text amendments provided ensure existing single-family and multi-family nonconforming uses in B-1 will have a means to continue and will address allowing future multi-family development within the B-1 zoning district with additional oversight via the Special Use process. Mr. Wetterow provide maps indicated areas within town where staff has identified there are issues related to nonconformities in B-1 zoning. The first map depicted S. Main St which indicated sections along it were comprised of 75% or more residential. Addressing nonconformities allows this. The next map indicated some properties north of W. Market Street and west of I-55. Mr. Wetterow noted some of the properties Northeast of the subject area already rezoned to R-3A, but these areas make sense to leave B-1 but also to allow multi-family via a Special Use. The final map was of an area near the intersection of Washington St and Clinton St. The text amendments would not address this area and the uses within this area are small scale commercial, but the B-1 zoning is not appropriate here. It is more appropriate for this area to be rezoned to B-2 zoning which is focus on local commercial. There are other areas in town where rezoning may be the most appropriate solution.

Ms. Pemberton added that the primary concern she is hearing from the public at this time is what single-family homeowners can do with/in these B-1 zoned areas. Staff's primary concern is how we can assist them and addressing nonconforming properties is the best way to do so. The inquires she has had related to multi-family in B-1 zoning surrounds them wanting to know they have a way to move forward in the event of a disaster.

Mr. Boyle highlighted the biggest issue with something suddenly becoming non-conforming is finance. Mr. Boyle noted is hard to get financing on something that may not be able to be rebuilt.

### **Discussion Item 2 - Zoning for Assisted Living Facilities**

City Staff, Jon Branham, presented the updated version of the text amendment to the Commission. Mr. Branham noted this definition was left out of code update. There were several other senior housing types that remained in the definition section and they are little confusing. The idea here is to remove these types and create a single inclusive definition for assisted living facility.

Chairperson Mohr asked about clarification on including age. He wanted to know if it was necessary. Chairperson Mohr noted there are many people who are under 55 years in ago who may need assisted care, including those who had COVID and will now require long-term care. Staff noted that the original reasons for changing to 55 was to achieve continuity within the code, but Staff will investigate the ability of removing the age restriction. Mr. Boyle did not think the age made a difference and that is may have come from the Fair Housing Act. Mr. Boyle noted this is something staff will need to investigate.

### **Discussion Item 3 - Updates to Zoning Classifications and definitions**

City Staff, Alissa Pemberton, presented the updated version of the text amendment to the Commission.

Boarding and Rooming House and Rooming House definitions both exist but they conflict. The recommendation is to have just one definition and it will be for Boarding and Rooming House as that is the use listed in the permitted use table.

Performance standard as it is presently defined is not an standard, but an example of a standard. The text amendment would revise the language so that performance standard actually establishes a standard.

The next text amendment related to definitions is to remove unit from all dwelling unit definitions because you can put units within buildings/dwellings. Additionally, the text amendment would address where converted dwellings definition is located. Currently, it is not located in the “D” section of the definition section of the zoning code. This would limit confusion.

The definition for warehouse is missing. Related to storage, the code currently only identifies a commercial parking lot and mini warehouses. Staff has had several inquiries related to where warehouses are permitted within the City. This would address this issue.

Related to the definitions for laboratory, the text amendment addresses cross-references and adding material testing facility which has been identified as desired use within the City.

Related to Chicken Keeping, the proposed text amendment would address two issues. The first being adding language identifying chicken keeping requires a Special Use in the residential use section of the code when addresses chicken keeping. Secondly, the text amendment would add revise the definition of chicken keeping permitting it within schools for educational purposes.

Would like to put Special Use language in the Chicken Keeping section of the code  
Add language to allow schools to keep chickens for educational purposes

### **Discussion Item 4 - Review and Submission Process**

City Staff, Alissa Pemberton, presented the updated version of the text amendment to the Commission. The text amendment would allow for digital submission of documents and digital payment. Currently the code does not allow for either.

Mr. Wetterow noted the Planning Commission is Legislative Body but the Zoning Board of Appeals hears Special Use cases. This has resulted in confusion on what types of public input can be provided. Mr. Wetterow emphasized the issue with Variances being tied to Special Uses. Variances run with property and stay there but Special Uses are tied to use and can be revoked/changed. The issue is the Special Use could go away yet the variance would continue to be in place. Mr. Wetterow noted the text amendment would encourage the use of waivers associated with a Special Use. The waivers would be a means to provide relief from code requirements associated with the use.

Ms. Smith noted the idea behind the waiver is that there is only a need in the first place because of a performance standard related to the use, whereas Variance is supposed to be related to nature of the land itself so there is a bit of a misalignment. A variance is related to a hardship with the land, not an issue with meeting use provisions. The idea more about removing the variance from the process than allow for waivers, waivers should be sparingly permitted.

Ms. Smith noted in staff's investigation of the code, when everything got pushed down and rolled up, a lot of uses ended up as Special Use that were not before. Staff is investigating why this was and the possibility of not making some of the uses Special Uses.

Chairperson Mohr noted the previous intent of making uses a Special Use was to "test the waters" and see how popular something was and what people were doing. Additionally, the intent was to review the Special Uses to identify what the Commission is continuing to see and determine if there is a need to revise the standards so that a Special Use is no longer needed because the use has become so prevalent. Chairperson Mohr asked if the Special Use data could be reviewed and should this evaluation happen first before this text amendment language or do other way around, or both at the same time?

Ms. Smith stated it is both. She noted there are other things that are Special Uses which are at issue too, like hotels in B-1. Staff is looking at alignment of districts with Special Uses and possibility of removing Special Uses and applying additional performance standards.

Mr. Wetterow reiterated what Chairperson Mohr stated earlier, please take some time to digest what has been provided to you and please submit feedback. Chairperson Mohr asked whom they should contact. Mr. Wetterow stated he would be the main point of contact and would disseminate the information as needed.

There were no additional questions from the Commission.

## **NEW BUSINESS**

Elections for Chair and Vice-Chair

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Chairperson Mohr went over the general process for how the elections would proceed based upon the number of nominations received. Chairperson noted a motion to nominate someone if need and that needs to have a second. Then the nominee will be asked if they would like to accept the nomination. If they accept, then they are added to the list and then the vote is held.

The first election was for Chairperson. Commissioner Beyer nominated Chairperson Mohr, Commissioner Galpalli seconded. Chairperson Mohr accepts. Mr. Boyle clarified this will be his second consecutive year. Chairperson Mohr verified it was and noted the Chairperson is limited to two consecutive years as Chairperson. No additional nominations were made. A voice vote was held. 6 Ayes, with Chairperson Mohr abstaining. Chairperson Mohr was elected Chairperson for his second term.

The second election was for Vice-Chairperson. Commissioner Galpalli nominated Vice-Chair Boyd. Commissioner Beyer seconded. Vice-Chairperson Boyd accepts. No additional nominations were made. A voice vote was held. 6 Ayes, with Vice-Chairperson Boyd abstaining. Vice Chairperson Boyd was elected as Vice-Chairperson for his second term.

#### **ADJOURNMENT**

Chairperson Mohr asked for a motion to adjourn. Commissioner Boyd made said motion to adjourn. The motion was seconded by Commissioner Kreiger. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (7-0). The meeting was adjourned at 5:02 P.M.



## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** August 7, 2022

**CASE NO:** PS-03-22, Amended Preliminary Plan for Fox Creek Country Club (18<sup>th</sup> Addition)

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

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### BACKGROUND

#### *Petitioners' request:*

The petitioner seeks an Amended Preliminary Plan for the Fox Creek Country Club Subdivision allow for the establishment of the 18<sup>th</sup> Addition of the Fox Creek Country Club Subdivision. The original Preliminary Plan, completed in 1994, did not include Outlot C from the Blue Ash Subdivision in the overall property development plan. The Owner/Developer wants to include Outlot C in the development area to improve the layout of the proposed 18<sup>th</sup> Addition to Fox Creek by providing a cul-de-sac that would be partially located on Outlot C. The 18<sup>th</sup> Addition of the Fox Creek Country Club Subdivision is the final addition of the subdivision. Additionally, this will allow for the completion of Carrington Lane and the connection of Carrington Lane to Fox Creek Road.

#### *Property Characteristics:*

The subject properties contain approximately 16.68 acres of land which is currently undeveloped. The Amended Preliminary Plan indicates the existing properties will be and combined into in 37 lots (Lot 561 through Lot 597). Access to the property will be available from Carrington Lane. The surrounding properties are in the Public Lands and Institutions, Residential and Agricultural Districts. The property to the north is located within the County.

#### *Notice:*

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, August 22, 2022. Courtesy notices were mailed to 60 property owners within 500 feet of the subject property.

#### *Surrounding Zoning and Land Uses*

	Zoning	Land Uses
North	A (Agricultural, County)	Farmland (Vacant)
South	R-1B (Single-Family Residence)	Single-Family Residential
East	P-2 (Public Land and Institutions)	Golf Course
West	A (Agricultural)	Farmland (Vacant)

## ANALYSIS

### *Compliance with the Comprehensive Plan:*

The proposed R-2 Zoning Map Amendment contributes to Goal N-1.1 (Enhance the livability of all Bloomington neighborhoods), N-1.5 (Promote creation of connected neighborhoods, focused on people, rather than isolated subdivisions in the Emerging areas), N-1.5c (Require new residential subdivisions to be connected to surrounding areas), H-1. (Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington), and H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits) of the 2035 Comprehensive Plan.

Preliminary Plans should be consistent with the Comprehensive Plan. The 2035 Comprehensive Plan's Future Land Use map identifies this area as a low density residential in the built areas. The Land Use Priorities map identifies this area as Tier-2 priority which is land immediately adjacent to the City's incorporated area, and with access to all City services.

## STANDARDS FOR REVIEW

Chapter 24, Section 302F of the Bloomington Code of Ordinances requires the Planning Commission conduct a Legislative Public Hearing on the Preliminary Plan to determine the extent to which the plan conforms or fails to conform with the standards of this Code.

The Land Subdivision Code was created to address the following purposes:

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

The proposed subdivision has access to City utilities (water and sewer) for proper sanitation. Stormwater management is addressed via an adjacent stormwater pond. Lot characteristics proposed by the subject Preliminary Plan are in compliance with the requirements of the R-1B (Single-Family Residence) District and supportive of the prescribed site design and development intensities for the District.

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

The Comprehensive Plan identifies the area between Fox Creek Road and Carrington Lane and Breezewood Boulevard as a low density residential in the built areas. The Land Use Priorities map identifies this area as a Tier 1 priority (vacant and under-utilized land for infill development or redevelopment within the City.)

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

The proposed subdivision provides adequate separation between buildings, promoting light and air circulation. The configuration of the lots meets City requirements and will ensure overcrowding does not occur. The additional infrastructure, as proposed, ensures less congestion by providing an additional access point to the neighborhood. The proposed infrastructure meets the City's design criteria, as outlined in the Manual of Practice.

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

All the lots indicated on the Preliminary Plan are currently residentially zoned, R-1B (Single-Family Residence); they are adjacent to either residential or publicly zoned properties. The surrounding areas have already been final platted and developed according to similar standards. The uses permitted within the R-1B (Single-Family Residence) District will be in character with the existing uses surrounding the properties' the area depicted in the Preliminary Plan will be the final addition of the subdivision and will result in the completion of the subdivision.

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

The proposed subdivision and zoning are compatible with adjacent zoning and uses. The proposed use is compatible with adjacent development and will result in the completion of the final development of the subdivision.

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

The properties have access to City services (water and sewer). City services will be extended to serve all the newly created lots. Carrington Lane will be extended to intersect with Fox Creek Road. Carrington Lane will service a majority of the lots; a cul-de-sac will be created to service those lots not immediately served by Carrington Lane. There is existing stormwater infrastructure in place to accommodate the existing and proposed development. The Land Use Priorities map identifies these lots as a Tier 1 priority (vacant and under-utilized land for infill development or redevelopment within the City.)

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

The lots proposed will have frontage off the newly-expanded Carrington Lane or the proposed cul-de-sac. New approaches will be created to ensure points of ingress and egress from each property; the number and location have been approved by Public Works to limit traffic congestion ensure traffic easily flows through the entire subdivision. The expansion of Carrington Lane to intersect with Fox Creek Road will provide a means for improved traffic circulation through the entire subdivision. Sidewalks will be installed along both sides Carrington Lane and along the cul-de-sac to ensure the continuity of existing sidewalks with the neighborhood to the south of the property.

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

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

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

The lots can be served by existing City police and fire services. The lots are served by Unit 5 School District. The Tier 1 Priority classification considers access to existing public infrastructure and services.

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

An Erosion and Sediment Control Permit will have to be reviewed and approved by the Public Works department which will ensure natural features such as streams and lakes are not negatively impacted. There are already existing stormwater infrastructure provided to accommodate these and surrounding properties. However, a stormwater plan is still required and must be approved by the City Engineering Division as part of the final platting process.

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

An Erosion and Sediment Control Permit will have to be reviewed and approved by the Public Works department. This permit will ensure the natural beauty and topography are not negatively impacted.

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

The applicant has selected to subdivide the property to ensure development occurs in a manner that meets the design and density requirements of City Code and those desired by the petitioner, thus ensuring the most efficient layout of the lots and future structures.

### **STAFF RECOMMENDATION**

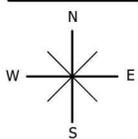
Staff recommends the Commission *approval* of the request for the Amended Preliminary Plan, based on the findings of fact including meeting the purpose and intent of Chapter 24 of the City Code.

Respectfully submitted,

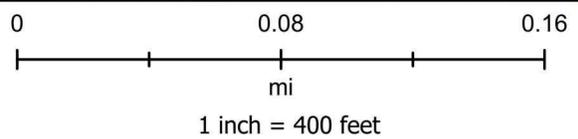
Glen Wetterow  
City Planner

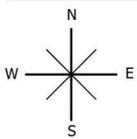
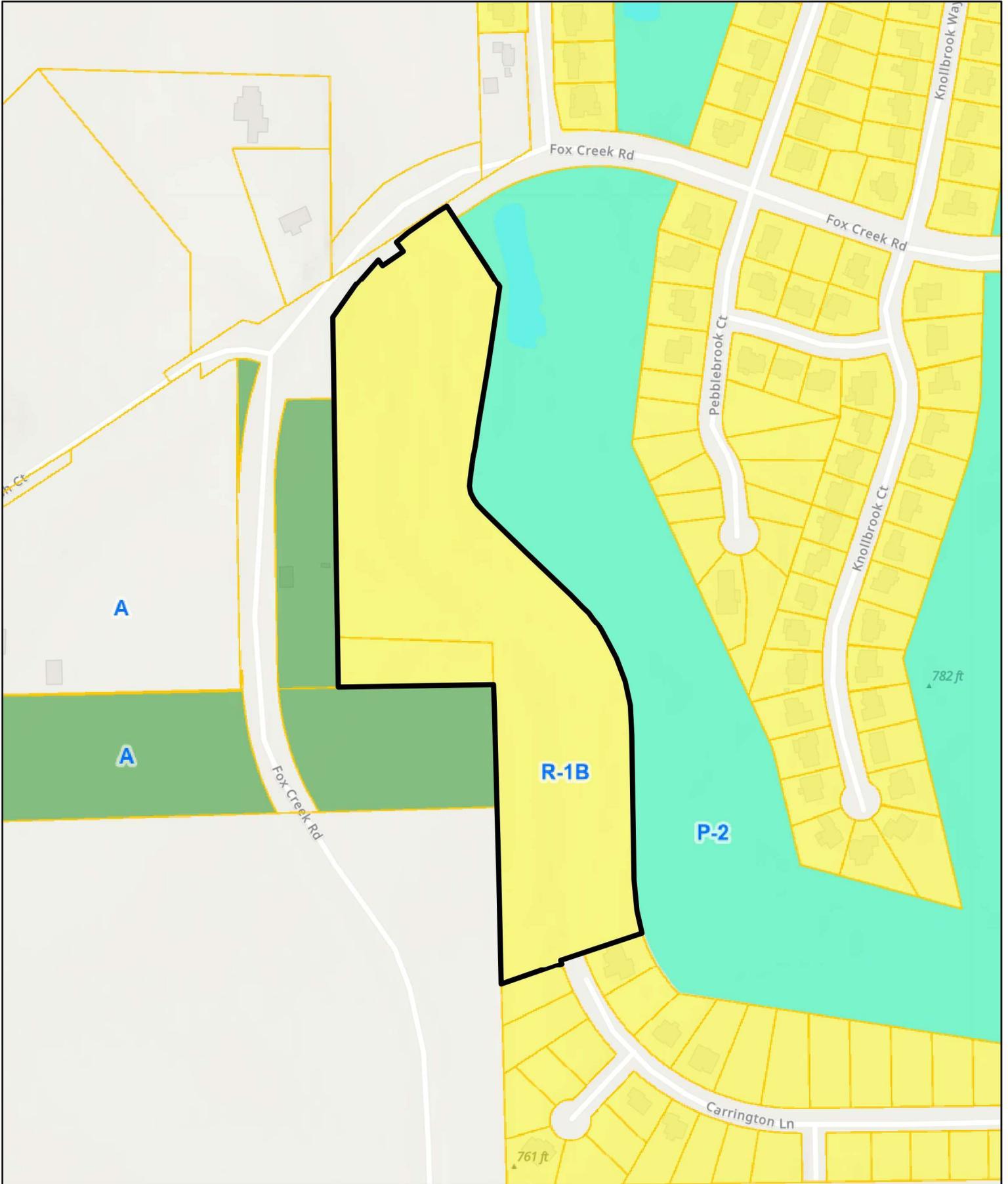
#### Attachments:

1. Aerial map
2. Zoning map
3. Preliminary Plan
4. Neighborhood notice map

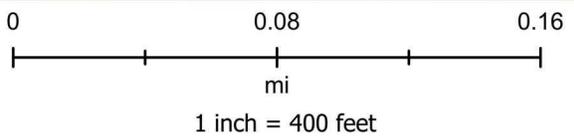


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## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** September 7, 2022

**CASE NO:** PR-08-22, Site Plan Review

**REQUEST:** Public hearing, review, and action on a petition submitted by David Schmidt of LJP Architects, requesting approval of a Site Plan to allow a Restaurant in the B-1 (General Commercial) District for the property located at 506 IAA Drive. PIN: 14-35-378-016. (Ward 5).

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### BACKGROUND

*Petitioners' request:*

The petitioner is requesting a Legislative Site Plan approval to develop a Restaurant with a Drive-Through at the subject multi-tenant commercial property. A Restaurant is identified as a Permitted Use in the B-1 (General Commercial) District. A Drive-Through is also identified as a Permitted Use.

The petitioner is proposing to construct a drive-through facility to attach to an existing tenant space of the building. The modifications will result in a 13-space parking space reduction at the property. Because the site alterations will reduce the total number of parking spaces by 20% or more, a Legislative Site Plan Review is required. Overall parking requirements for the site will still be met and vehicular access to the site is not changing. Pedestrian access to the site is also not changing and has already been provided. Bike racks at the site have not been identified.

*Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, August 22, 2022. Courtesy notices were mailed to 19 property owners within 500 feet of the subject property.

*Property Characteristics:*

The subject property consists of roughly 1.1 acres of land located along IAA Drive in Bloomington. The property has been recently redeveloped as a multi-tenant commercial property. One of the tenant spaces is currently occupied as a retail use. The surrounding properties consist of commercial zoning districts and various commercial uses.

*Surrounding Zoning and Land Uses*

	<b>Zoning</b>	<b>Land Uses</b>
North	B-1, (General Commercial)	Commercial
South	B-1, (General Commercial)	Commercial
East	B-1, (General Commercial)	Commercial
West	B-1, (General Commercial)	Commercial

**ANALYSIS**

*Compliance with the Comprehensive Plan*

Approval of the Site Plan aligns with the following goals of the Comprehensive Plan: N-1. (Enhance the livability of all Bloomington neighborhoods). and ED-4.2. (Prioritize infill and redevelopment to spur growth and reinvestment in the City).

The subject property is identified as Tier 1 - Infill Redevelopment Priority in the Land Uses Priority Map. The Future Land Use map identifies the site as Regional Commercial.

**STANDARDS FOR REVIEW**

*Ch. 44, 17-9 Legislative site plan review*

The Site Plan review process is intended to protect the public interest in safety, economy, and from adverse site development that may be detrimental to neighboring property owners and the surrounding area. The following standards and objectives shall guide the review of City staff, the Planning Commission, and the City Council in making a determination on the proposed Site Plan.

**1. 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.**

The proposed development is not incompatible with the existing development in the area. The site design is consistent with other developments on surrounding properties in the direct area. The building will maintain all bulk requirements for B-1 zoning. The parking lot will maintain the code requirements for off-street parking and loading. All landscaping requirements have been met. **Standard is met.**

**2. The extent to which the proposal minimizes any adverse impact of the development upon adjoining land.**

The proposed drive-through use will not have any adverse impacts on the development of adjoining land. The use is a permitted use within the zoning district and is compatible with the uses of the surrounding properties. The building and landscaping shall comply with code requirements. The trash enclosure shall be fully screened as City Code requires. **Standard is met.**

3. 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 site is accessible via IAA Drive and via cross-access from the adjacent commercial parking areas. All curb cuts and aprons at the site are existing and meet code requirements. **Standard is met.**

4. 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.

The surrounding properties are all primarily zoned commercial. The uses range from commercial to restaurant to office. A drive-through restaurant at the proposed site would be complementary to the existing surrounding uses. **Standard is met.**

Chapter 44-12-7 provides additional standards for Drive-through facilities. Chapter 44-12-7-B-2 regarding location states that 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. *Since the drive-through area projects beyond the front building wall, the Commission should review and consider this item as part of their recommendation.* All other requirements listed for drive-through facilities have been met.

#### STAFF RECOMMENDATION

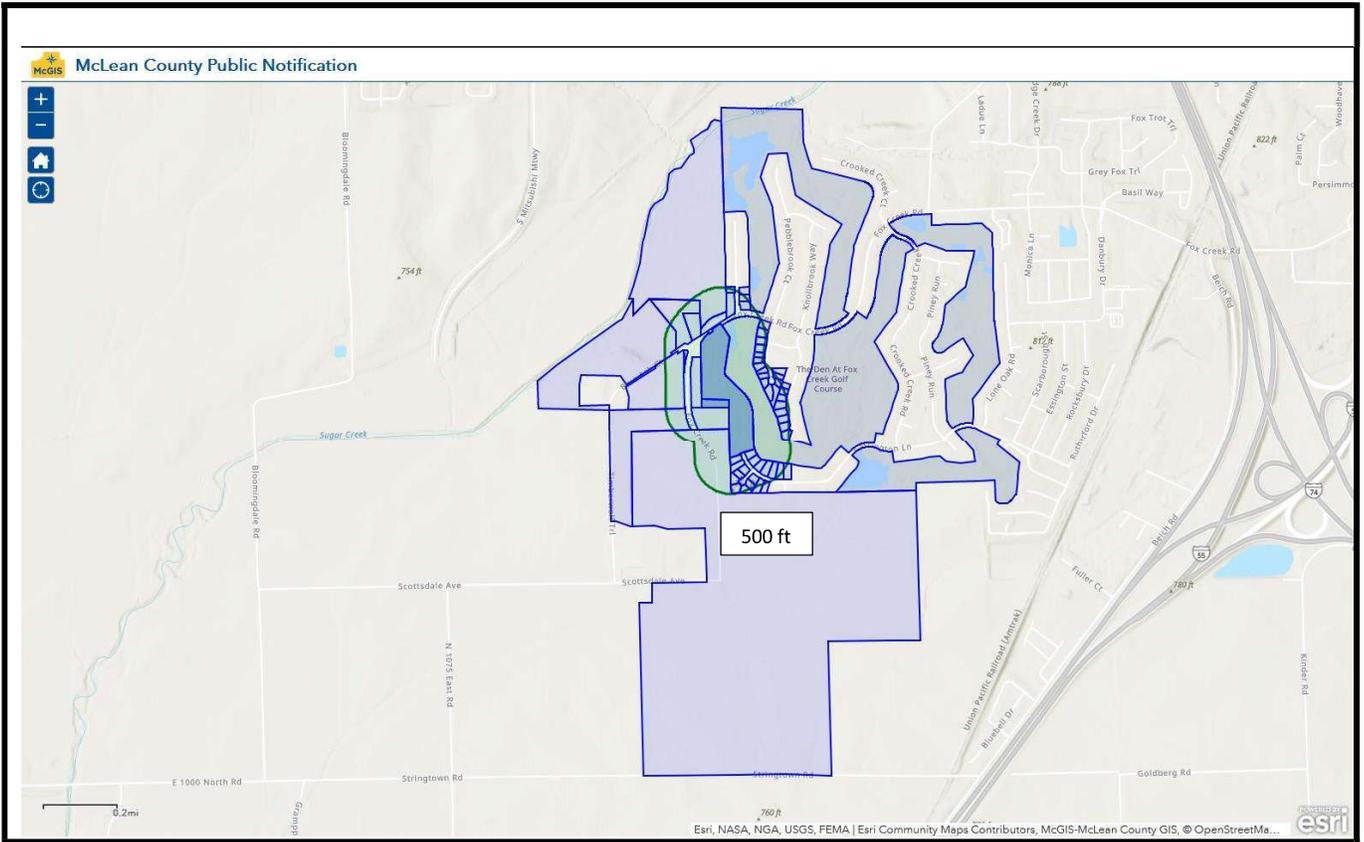
Staff recommends the Commission approve the request for a Legislative Site Plan Review, as outlined in Chapter 44.17-9 of the City Code, and recommends **approval** of the petition submitted by David Schmidt of LJP Architects, to allow a Restaurant in the B-1 (General Commercial) District for the property located at 506 IAA Drive. PIN: 14-35-378-016.

Respectfully submitted,  
Jon Branham  
City Planner

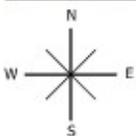
#### Attachments:

- Aerial map
- Zoning map
- Site Plan
- Neighborhood notice and map

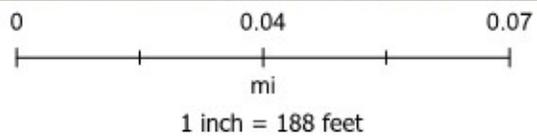
# Map of notified properties within 500 ft of subject property



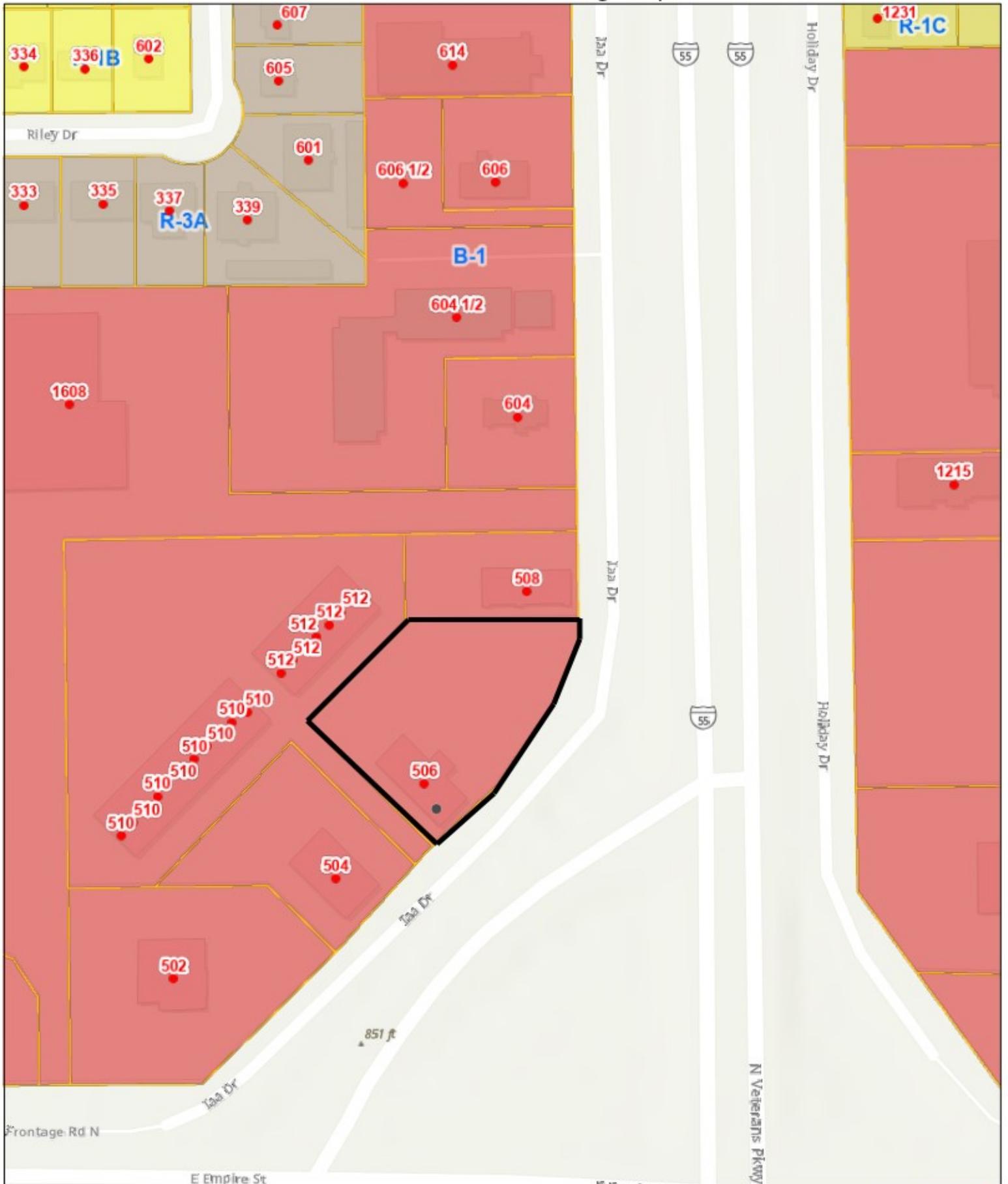
# 506 IAA Drive - Aerial Map



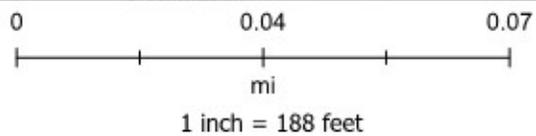
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# 506 IAA Drive - Zoning Map

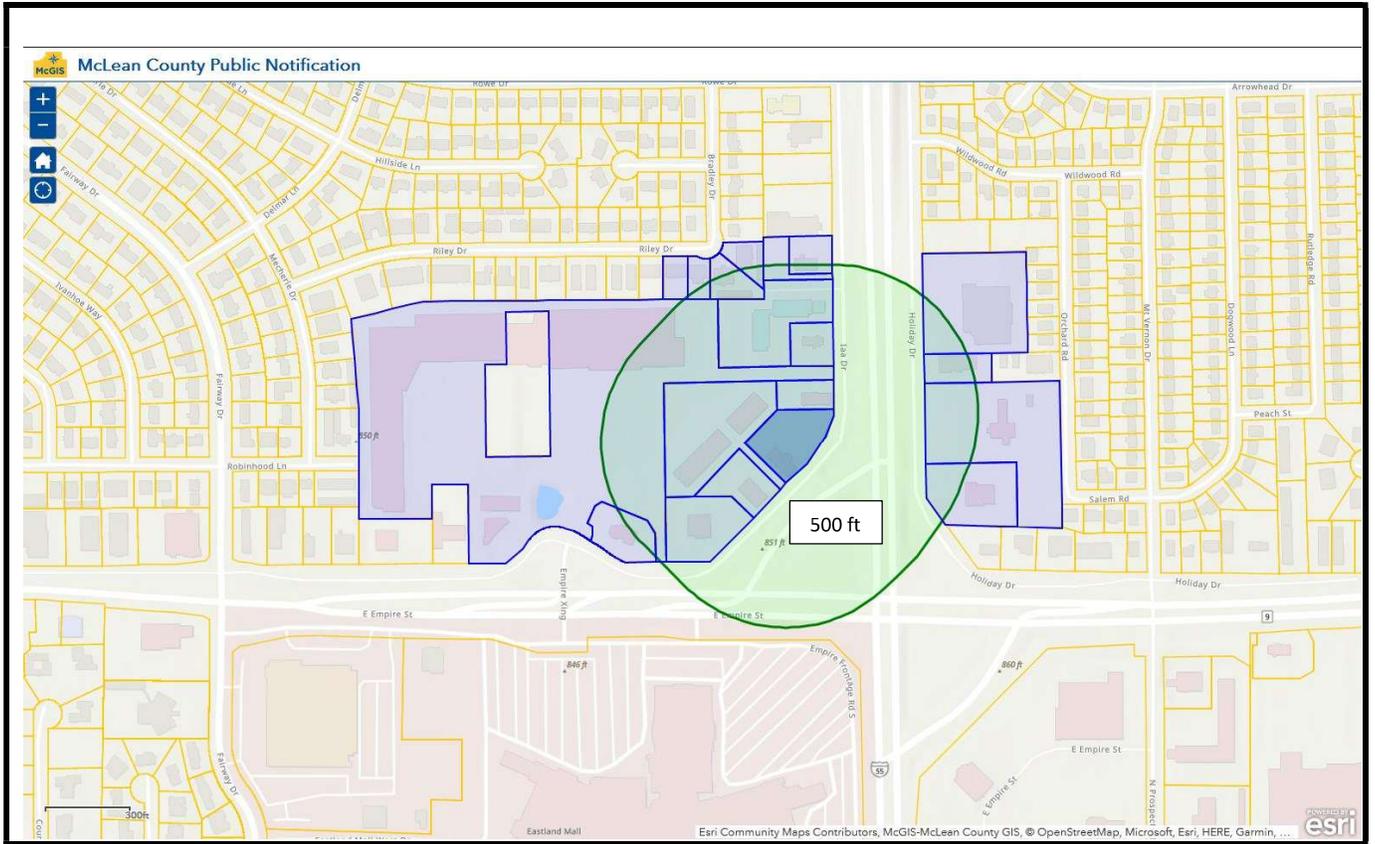


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# Map of notified properties within 500 ft of subject property





## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** September 7, 2022

**CASE NO:** Z-24-21, Text Amendments

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

---

The Planning Commission has discussed recommendations and text amendments, pursuant to Ordinance 2021-31, at multiple meetings over the past year and has relayed important feedback to staff. *These proposed text amendments are intended to provide clarity and address gaps resulting from the comprehensive Zoning Code rewrite of 2019.*

This memo provides an overview of identified issues and recommended amendments to the Code, as well as red-lined versions of each Article in the Zoning Code, as proposed for adoption. Staff committed to returning with additional information and discussion on one item (definitions for dwelling types); these definitions have been separated from the overall amendments proposed for Article XVI.

### BACKGROUND

At the regular City Council meeting on August 23, 2021, the City Council approved Resolution no. 2021-31, per Chapter 44.17-6 of the Bloomington City Code, to initiate text amendments to the City's zoning regulations, Chapter 44 of the Bloomington City Code. The amendments are intended to provide clarifications and address gaps left by the comprehensive code rewrite in 2019.

Specifically, the identified for amendments relate to: (1) Auto repair and sale exclusions, definitions, and zoning, (2) Updating certain zoning classifications, (3) Reviewing residential uses that were previously permitted by right or via special use in commercial districts that should be allowed again, (4) Zoning for snack food manufacturing, (5) Zoning for assisted living facilities, and (6) The review and submission process and commission schedule.

At the November 10, 2021, Commission meeting, the Commission reviewed Item #4, snack food manufacturing, and tabled the item to allow for future discussion of all text proposed amendments as

a whole. June 1<sup>st</sup>, 2022, Staff reinitiated the discussion with the Commission, presented a snapshot of items #2, #3, #5, and #6 for future discussion, and received initial feedback. At the August 3<sup>rd</sup>, 2022 meeting staff provided incorporated the initial feedback and provided a detail analysis of each item and presented options on specific language for the text amendments for the Commission to review. This memo reflects the language which was selected by the Commission. At this time the following amendments are presented to the Planning Commission for consideration and recommendation for forward to the City Council for approval.

## **IDENTIFIED ISSUES AND RECOMMENDATIONS FOR CORRECTION**

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

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

### **(2) Updating certain zoning classifications**

#### *Definitions and Uses Missed During Aggregation of Uses*

The 2019 Code update made numerous changes to the table of uses and definitions sections, but layers of review and discussion resulted in loss in translation and missed cross-referencing during the aggregation of the table of uses. A detailed review of the Definitions section revealed multiple missing definitions for uses present in current Use Tables, duplicated or inaccurate cross-referencing, and updates that were missed during draft translations.

Staff recommends a solution that combines former definitions and omitted changes to clarify or create appropriate definitions, moves or restructures existing language for clarity, and reduces unnecessary bulk within the Article. Staff recommends the text amendments presented below:

1. Incorporate definitions of uses that exist in the use tables but are not defined in the current version of Article XVI.
2. Clarify definitions that resulted from the aggregation of multiple uses, to ensure inclusion of those aggregated uses.
3. Use definitions to define, not regulate (regulatory pieces will be moved to the appropriate regulating section).
4. Remove unnecessary and unused terminology.

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

#### *All Residential Uses Classified as “Non-Conforming” in B-1*

The 2019 Code update unintentionally excluded residential uses from the table of permitted uses in the B-1 (Central Business) District, which is a significant change from the table of uses in the previous version of the Code, and from the current character of existing development. Existing residential homes were made nonconforming. Staff has also identified areas within the City which were zoned as B-1 but need to be assigned to a more appropriate classification. These areas may be better addressed through the zoning map amendment process, and not via the proposed text amendments.

Staff recommends a solution that will both protect existing single-family homesteads, and encourage the vibrant, connected, affordable, mixed-use neighborhoods envisioned by the Comprehensive Plan. Staff recommends the amendments presented below:

1. A text Amendment to the B-1 District Table of Uses to permit—either by right, or with restrictions/conditions—single family and multifamily dwellings. This would allow these uses as previously intended.
2. A text Amendment to Article XI “Nonconforming Building and Uses” to allow for exemptions to residential properties in areas zoned B-1. This would permit the continued use and improvement of residential homes in B-1 and allow property owners that wish to remain in B-1 zoning the ability to do so.
3. Staff has also identified areas within the city which were zoned as B-1 and need to be assigned to a more appropriate zoning. However, this will be addressed through the zoning map amendment process, and not via the proposed text amendments.

#### **(4) Zoning for snack food manufacturing**

Amendments incorporated into updates related to Item 2.

#### **(5) Zoning for assisted living facilities**

##### *Terminology Correction; Lacking Appropriate Location in Use Tables*

As part of the Zoning Code update, multiple existing uses were aggregated into fewer, more general categories. During this aggregation “Assisted Living Facilities” were not included, and adopted definitions exclude similar for-profit facilities. The Code update includes “Home for the aged” and “Nursing Home” in the table of Off-Street Parking Requirements but did not carry those uses over to the Table of Permitted Uses.

Staff recommends a solution that more clearly defines and assigns facilities intended to provide assistance with daily activities, such as dressing, grooming, and bathing, in a subsidized or non-subsidized residential setting. Staff recommends the amendments presented below:

1. Reclassify “Home for the Aged” to “Assisted Living Facility” and clarify definition to include for-profit facilities as well (funding source does not change the land use impact).
2. Amend corresponding definitions to improve clarity and differentiation.
3. Add “Senior Housing” to the Tables of Permitted and Special Uses.

#### **(6) The review and submission process**

##### *Reflect Updated Application Process*

The City now accepts (and encourages) customers to apply for many permits, licenses, and activities online, but the Code specifies payment and submission requirements that run counter to this intention. The Code still requires paper, both for application submission documents, and for payment. Amendments are required to allow concurrence between the desired workflow for City departments and projects, and the provisions of the Code which direct it.

Staff recommends a solution that adds language to allows digital submission of documents and payment will streamline the process for Customers and staff, as well as allows the city to achieve its permanent retention goal as currently proposed. **Note:** Documents that are filed with the McLean County Recorder’s office will still require the submission of original physical documents at the last step of the process. Staff recommends the amendments presented below:

1. Add “high-resolution digital version” as acceptable method of submission, in addition to the multiple paper or mylar copies currently required.
2. Remove types from the payment requirement.

#### *Clarify Special Use Requirement*

The Zoning Code specifies the Special Use requirement for Chicken-Keeping in a separate Article from the Use Provisions that guide it, causing resident confusion. Increasing numbers of Code Enforcement cases have begun to arise, with residents stating the reason for not obtaining the required Special Use Permit as having read the “Chicken-Keeping” section and not knowing that it was required. These amendments clarify the requirements in the Use Provision section and provides associated educational opportunities in non-residential zoning districts.

Staff recommends a solution that clarifies the Special Use Permit requirement for chicken-keeping within City limits by placing the requirement within the subject Use Provisions and adding certain types of educational institutions as additionally permitted primary uses. Staff recommends the texts amendments presented below:

1. Add “with Special Use Permit” to the Use Provision section on chicken-keeping.
2. Add preschools, public and private schools, and boarding schools to list of primary uses to which chicken-keeping may be accessory; update use tables, as appropriate.

#### *Correct Timeline for Demolition Review*

The timeline, as it currently is written, only allows for 35 days between initial receipt of a demolition application and the hearing date at the Historic Preservation Commission, if deemed necessary. This timeline is not adequate to allow appropriate review and public notice for the subject hearing.

Staff recommends a solution that extends the review timeline to one that reflects the reality of working conditions and communication, while still retaining a reasonable timeline for customer expectations. Staff recommends the texts amendments presented below:

1. Allow up to 10 business days for notification of demolition review and transmission to the Historic Preservation Commission.
2. Adjust hearing requirement to within 45 days of initial submittal.

Respectfully Submitted,  
Planning Division Staff

Attachments

- A. Agricultural District (Article III) Red-Line
- B. Residential Districts (Article IV) Red-Line
- C. Business Districts (Article V) Red-Line
- D. Manufacturing Districts (Article VI) Red-Line
- E. Public Interest Districts (Article VII) Red-Line
- F. General Provisions (Article IX) Red-Line, as required by amendments to § 44-16 removing regulatory components
- G. Use Provisions (Article X) Red-Line
- H. Nonconforming Buildings and Uses (Article XI) Red-Line
- I. Planned Unit Developments (Article XV) Red-Line, as required by amendments to § 44-16 removing regulatory components
- J. Definitions (Article XVI) Red-Line
- K. Administrative Procedures and Enforcement (Article XVII) Red-Line
- L. Dwelling Definitions (Article XVI) Red-Line

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment A - Agricultural District (Article III) Red-Line

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

B. Allowed Uses Table.

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

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment B - Residential Districts (Article IV) Red-Line

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

B. Allowed Uses Table.

Table 402A: Residential Districts - Permitted and Special Uses										
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
<b>Agricultural</b>										
Apiary/Bee Keeping	P	P	P	P	P	P	P	P	P	§ 44-1005
Chicken Keeping	S	S	S	S	S	S	S	S	S	§ 44-1011
Urban Agriculture						S	S		S	
Urban Garden			P	P	P	P	P	P	P	
<b>RESIDENTIAL</b>										
<b>Household Living</b>										
Dwelling Unit, Single-Family	P	P	P	P	P	P	P		P	
Dwelling Unit, Single-Family Attached					S	P	P		P	
Dwelling Unit, Two-Family			S	S	P	P	P		P	
Dwelling Unit, Multiple-Family					S	P	P		P	
Dwelling Unit, Multiple-Family Conversion (2 units)					S				P	§ 44-1040
Dwelling Unit, Multiple-Family Conversion (3+ units)					S				S	§ 44-1040
Manufactured Homes				P					P	
Mobile Homes									P	
Dwelling Unit, Accessory									S	
Live/Work Unit							S		S	
<b>Group Living</b>										
Agency Supervised Homes			P	P		S	S		S	§ 44-1019
Agency-Operated Family Homes	P	P	P	P	P	P	P		P	§ 44-1019
Agency-Operated Group Homes					S	P	P		S	§ 44-1019
Convents, Monasteries					S	S	P		P	§ 44-1019
Dormitories					S	S	P		S	§ 44-1019
Group Homes for Parolees	S	S	S	S	S	S	S	S	S	§ 44-1019

**Table 402A: Residential Districts - Permitted and Special Uses**

	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
<b>INSTITUTIONAL</b>										
<b>Education</b>										
Pre-schools	S	S	S		S	S	S	S	S	
<b>Government</b>										
Government Services and Facilities	P	P	P		P	P	P	P	P	
Police Stations, Fire Stations	P	P	P		P	P	P	P	P	
<b>Religious</b>										
Place of Worship	S <sup>1</sup>									
Cemetery and Columbarium	S	S	S	S	S	S	S	S	S	§ 44-1010
<b>Residential-Type</b>										
Domestic Violence Shelter					P	P	P		P	
<u>Home for the Aged Assisted Living Facilities</u>						S	S		S	§ 44-1019
<b>Other Institutional, Cultural</b>										
Clubs and Lodges							S		S	
Food Pantry							S		S	§ 44-1018
<b>RECREATIONAL</b>										
Country Clubs, Golf Clubs, Golf Courses	S	S	S	S	S	S	S	S	S	§ 44-1012
Community Center						S	S	S	S	§ 44-1013
Parks and Recreation Facilities	P	P	P	P	P	P	P	P	P	
Swimming Clubs						S	S	S	S	
Swimming Pools, Community	S	S	S	S	S	S	S	S	S	§ 44-1032
<b>COMMERCIAL</b>										
<b>Entertainment and Hospitality</b>										
Sports and Fitness Establishments						S	S	S	S	§ 44-1013
<b>Lodging</b>										
Bed-and-breakfast Establishments						S	S		S	§ 44-1007
Boarding and Rooming Houses					S	S	P		S	§ 44-1019
<b>Offices</b>										
Office Conversion									S	§ 44-1041
Medical or Dental Office or Clinic							S		S	§ 44-1024
<u>Materials Testing Facility</u>							<u>S</u>		<u>S</u>	

**Table 402A: Residential Districts - Permitted and Special Uses**

	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
Medical Laboratory <u>Facility</u>							S		S	
<b>Personal Services</b>										
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.							S <sup>2</sup>	S <sup>2</sup>		
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.							S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	
Day-care centers	S	S	S	S	S	S	S	S	S	
<b>Retail and Service</b>										
Drug Stores and Pharmacies							S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	
Grocery Stores, Supermarkets							S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	
<b>INDUSTRIAL</b>										
<b>Utilities</b>										
Public or Private Utility Facility, Minor	P	P	P		P	P	P	P	P	
Private Solar Energy Conversion Facilities	P	P	P		P	P	P	P	P	§ 44-1031
Wireless Communication Facilities	S	S	S		S	S	S	S	S	§ 44-1037
Notes:										
1.	Maximum permitted height is 45 feet or three stories, whichever is lower.									
2.	The use shall be located within a building containing multiple-family or office uses in the R-3B District and shall not be permitted within a Mobile Home or Dwelling Unit in the R-4 District. The maximum permitted floor area is 1,600 square feet for Clothing Care; 1,000 square feet for Personal Care or 5,000 square feet for Drug Stores, Pharmacies, and Grocery Stores									

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment C - Business Districts (Article V) Red-Line

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

B. Allowed Uses Table.

<b>Table 502A: Business Districts - Permitted and Special Uses</b>							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
<b>AGRICULTURAL</b>							
Forestry	P	P					
Horticultural Services	P	P					
Urban Agriculture						P	
Urban Garden					P	P	
<b>RESIDENTIAL</b>							
<b>Household Living</b>							
Dwelling <del>Unit</del> , Single-Family				p <sup>2</sup>		p <sup>1</sup>	
Dwelling <del>Unit</del> , Single-Family Attached	<u>S</u>	<u>P<sup>1</sup></u>	S		P	p <sup>1</sup>	
Dwelling <del>Unit</del> , Two-Family		p <sup>1</sup>	S	p <sup>2</sup>	P	p <sup>1</sup>	
Dwelling <del>Unit</del> , Multiple-Family	<u>S</u>	p <sup>1</sup>	S	p <sup>2</sup>	P	P	
Live/Work Unit	<u>S</u>	<u>P<sup>1</sup></u>	S	p <sup>2</sup>	P	P	
<b>Group Living</b>							
Agency Supervised Homes			S	p <sup>2</sup>	P		§ 44-1019
Agency-Operated Family Homes			S	p <sup>2</sup>	P		§ 44-1019
Agency-Operated Group Homes			S	p <sup>2</sup>	P	p <sup>1</sup>	§ 44-1019
Convents, Monasteries			P				§ 44-1019
Dormitories			S		S		§ 44-1019
Group Homes for Parolees			S	S	S	S	§ 44-1019
<b>INSTITUTIONAL</b>							
<b>Education</b>							
Pre-schools	P	P	P		S		
Business and Trade Schools	P		P				
College and University Classrooms			P		S		
<b>Government</b>							
Courthouses				P			
Government Services and Facilities	P	P	P	P	P	P	

**Table 502A: Business Districts - Permitted and Special Uses**

	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Police Stations, Fire Stations	P	P	P	P	P	P	
<b>Religious</b>							
Place of Worship	S	S	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>		
<b>Health</b>							
Ambulatory Surgical Treatment Center	P	P	P	P			
Hospital or Medical Center	S		S				
<b>Residential-Type</b>							
Domestic Violence Shelter	P		P	P	P		
<del>Home for the Aged</del> <u>Assisted Living Facilities</u>	<u>S</u>	<u>P</u> <sup>1</sup>	P		S	<u>P</u>	§ 44-1019
<b>Other Institutional, Cultural</b>							
Clubs and Lodges	P	P	P	S	P		§ 44-1012
Food Pantry	P	P	P		P		§ 44-1018
Libraries			P	P	P		
Museums and Cultural Institutions			P	P	P	P	
Zoos	S						
<b>RECREATIONAL</b>							
Country Clubs, Golf Clubs, Golf Courses			P				§ 44-1016
Community Center			P	P	P	S	§ 44-1013
Fairgrounds, Agricultural Exhibits	S						§ 44-1017
Parks and Recreation Facilities	P	P	P	P	P	P	
Riding Stables, Riding Schools	S						
Swimming Clubs	P	P					
Swimming Pools, Community	P	P	P				§ 44-1032
<b>COMMERCIAL</b>							
<b>Aircraft and Automotive</b>							
Car Wash	p <sup>1</sup>	S					§ 44-1009
Farm Machinery Sales and Service	p <sup>1</sup>						
Towing Services							
Truck Stops, Truck Plazas	S						
Truck Wash	S						
Vehicle Fueling Station	P	S					
Vehicle Repair and Service	S						§ 44-1034
Vehicle Rental Service	p <sup>1</sup>						

**Table 502A: Business Districts - Permitted and Special Uses**

	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Vehicle Sales and Service	S						
<b>Entertainment and Hospitality</b>							
Amusement Parks	S						
Commercial Recreation Facilities	P	P		S	S	S	§ 44-1015
Community Reception Establishments					S		§ 44-1014
Entertainment and Exhibition Venues	p <sup>1</sup>				S		
Miniature Golf Courses	P						
Sexually Oriented Entertainment Businesses	p <sup>5</sup>						
Sports and Fitness Establishments	P	P	P	P	P	S	§ 44-1013
Theaters and Auditoriums	P			P	P	S	
<b>Lodging</b>							
Bed-and-breakfast Establishments		P	p <sup>6</sup>	P	P		§ 44-1007
Boarding and Rooming Houses		P		P	S		§ 44-1019
Camp and Camping Establishments	S						§ 44-1008
Hotel or Motel	P			P	S	S	§ 44-1021
<b>Offices</b>							
Financial Services	P	P	P	P	P		
General Offices, Business or Professional	P	P	P	P	P	P	
<u>Materials Testing Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	
Medical or Dental Office or Clinic	P	P	P	P	P		§ 44-1024
Medical Laboratory <u>Facility</u>	P	P	P				
Printing, Copying and Mailing Services	P	P	P	P	P	P	
Recording and Broadcast Studios	P		p <sup>7</sup>	P		P	
Research Facility or Laboratory	S		S			P	
<b>Personal Services</b>							
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.	P	P	p <sup>7</sup>	P	P	P	
Funeral Parlor, Mortuary	P	P	P		S		
Instructional Studios	P	P	p <sup>7</sup>	P	P	P	
Kennels, with no outdoor exercise areas	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>			p <sup>1</sup>	
Kennels, with outdoor exercise areas	S						
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.	P	P	p <sup>7</sup>	P	P	P	
Pet Care: Grooming, Day Care, Training	P	P	P	P	P	P	

**Table 502A: Business Districts - Permitted and Special Uses**

	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Veterinary Office or Clinic	P	P	S		P		§ 44-1035
Day-care centers	P	P	P		S		
<b>Retail and Service</b>							
Adult-use cannabis dispensing organization	S	S	S	S	S	S	44-1039
Artisanal/Craft Production and Retail	P	P		P	P	P	
Auction Houses	P					P	
Bars, Taverns, Nightclubs	p <sup>1</sup>	S	p <sup>7</sup>	P	S	P	
Building Materials and Supplies	P						
Catering Services	P	P				P	
Drive-Through, attached to a retail or service use	p <sup>1</sup>	p <sup>1</sup>	S			S	
Drug Stores and Pharmacies	P	P	S	P	P		
Farmers Market				P			
Grocery Stores, Supermarkets	P	P					
Gun Shops	p <sup>1</sup>	p <sup>1</sup>					
Liquor Stores	P	P	p <sup>7</sup>				
Manufactured and Mobile Home Sales	S						§ 44-1023
Medical Marijuana Dispensing Organization	P	P	P	P	P	P	
Mobile Food and Beverage Vendor	P	P	P	P		P	§ 44-1027
Restaurants	P	P	p <sup>7</sup>	P	P	P	
Retail Sales, General	P	P	p <sup>7</sup>	P	P	P	
Retail sales, Outdoor	P	S		S		P	
Roadside Markets	P						
Sexually Oriented Business	p <sup>5</sup>						
Specialty Food Shops	P	P	p <sup>6</sup>	P	P	P	
<b>INDUSTRIAL</b>							
<b>Manufacturing and Production, Light</b>							
Apparel, Fabrics, Leather Industries						P	
Commercial Cleaning and Repair Services	P		P				
Commercial Community Kitchen			P	P	S	P	
Electronics Assembly Plants							
Fabricated Metal Industries						S	
Furniture and Fixtures Industries						S	

**Table 502A: Business Districts - Permitted and Special Uses**

	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Trade and Construction Services	P	P				P	
<b>Storage and Equipment Yards</b>							
Mini Warehouses	S						§ 44-1026
Parking Lot, Commercial	S	S	S	S		S	
<u>Warehouse</u>	<u>P</u> <sup>1</sup>		<u>S</u>			<u>P</u>	
<b>Transportation</b>							
Bus and Taxi Passenger Terminals	S			S	S	S	
Heliports, Heliport Terminals	S		S				
Rail Passenger Terminals	P			P			
<b>Utilities</b>							
Commercial Solar Energy Conversion Facilities	P	P				P	§ 44-1031
Private Solar Energy Conversion Facilities	P	P	P	P	P	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	P					§ 44-1036
Public or Private Utility Facility, Minor	P	P	P	P	P	P	
Radio, Television Stations-Towers	P			P		P	
Wireless Communication Facilities	P	P	P	P	P	P	§ 44-1037
Notes:							
1.	A Special Use is required when the use adjoins a Residential District boundary line.						
2.	The use is permitted only when located above the first story above grade						
3.	Maximum permitted height is 45 feet or three stories, whichever is lower.						
4.	(Reserved)						
5.	The use is allowed in the zoning district represented by that column provided that no lot line of the lot to be occupied by such use shall be located closer than 1,000 feet to the lot line of a lot occupied by a Sexually Oriented Entertainment Business, or other Sexually Oriented Business, and further provided that no lot line of the lot to be occupied by such use shall be located closer than 500 feet to the lot line of a lot used for a Commercial Recreation Facility, a Day-care center, children's museum, Agency-Operated Family Home, Agency-Operated Group Home, Agency-Supervised Home, hobby shop or toy store, Pre-school, Public or Private School, Boarding School, Park or Recreation Facility, Sports and Fitness Establishment, Community Center, Place of Worship, Residential Dwelling Unit, Hospital or Zoo.						
6.	The use is allowed in that zoning district only as an accessory use occupying not more than 40% of the floor area of any story within a Business, Office or Residential Building or combination thereof;						
7.	The use is allowed in that zoning district only as an accessory use occupying not more than 25% of the floor area of any story within an Office or Residential Building or combination thereof;						

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment D - Manufacturing District (Article VI) Red-Line

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

B. Allowed Uses Table.

<b>Table 602A: Manufacturing District - Permitted and Special Uses</b>			
	<b>M-1</b>	<b>M-2</b>	<b>Reference</b>
<b>Agricultural</b>			
Apiary, Beekeeping	S		§ 44-1005
Aquaculture, Aquaponics, Hydroponics	P	P	
Animal Breeding Services	p <sup>1</sup>	p <sup>1</sup>	
Fish Hatcheries, Poultry Hatcheries	p <sup>1</sup>	p <sup>1</sup>	
Horticultural Services	P	P	
Urban Agriculture	P	P	
Urban Garden	P		
<b>RESIDENTIAL</b>			
<b>Household Living</b>			
Dwelling Unit, Single-Family	p <sup>2</sup>	p <sup>2</sup>	
Dwelling Unit, Multiple-Family	S	S	
<b>INSTITUTIONAL</b>			
<b>Education</b>			
Business and Trade Schools	P		
<b>Government</b>			
Animal Detention Facilities, w/o outdoor exercise area	p <sup>1</sup>	p <sup>1</sup>	
Animal Detention Facilities, with outdoor exercise area	S	S	§ 44-1004
Government Services and Facilities	P	P	
Military Bases, Depots, Communication Facilities	S	S	
Police Stations, Fire Stations	P	P	
<b>Residential-Type</b>			
Adult and Juvenile Detention Facilities	S	S	
<b>Religious</b>			
Place of Worship	S		
<b>COMMERCIAL</b>			

**Table 602A: Manufacturing District - Permitted and Special Uses**

	M-1	M-2	Reference
<b>Aircraft and Automotive</b>			
Car Wash	P <sup>1</sup>		§ 44-1009
Farm Machinery Sales and Service	P <sup>1</sup>	P <sup>1</sup>	
Towing Services		S	
Truck Stops, Truck Plazas	P <sup>1</sup>		
Truck Wash	P <sup>1</sup>	P <sup>1</sup>	
Vehicle Fueling Station	P	P	
Vehicle Repair and Service	P <sup>1</sup>	P <sup>1</sup>	§ 44-1034
Vehicle Rental Service	P <sup>1</sup>	P <sup>1</sup>	
Vehicle Sales and Service	P <sup>1</sup>	S	
Vehicle Salvage and Wrecking Operations		P <sup>1</sup>	
Vehicle Storage	P <sup>1</sup>	P <sup>1</sup>	
<b>Entertainment and Hospitality</b>			
Entertainment and Exhibition Venues	S		
Sports and Fitness Establishments	S		
<b>Offices</b>			
Financial Services	P		
General Offices, Business or Professional	P	P	
<u>Materials Testing Facility</u>	<u>P</u>	<u>P</u>	
Medical or Dental Office or Clinic	P		§ 44-1024
Medical Laboratory <u>Facility</u>	P	P	
Printing, Copying and Mailing Services	P	P	
Research Facility or Laboratory	S	P <sup>1</sup>	
<b>Personal Services</b>			
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.	P		
Instructional Studios	S		
Kennels, with no outdoor exercise areas	P <sup>1</sup>	P <sup>1</sup>	
Kennels, with outdoor exercise areas	S	S	
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.	P		
Pet Care: Grooming, day care, training	P	P	
Veterinary Office or Clinic	P <sup>2</sup>	P <sup>2</sup>	
Day-care centers	S		

**Table 602A: Manufacturing District - Permitted and Special Uses**

	M-1	M-2	Reference
<b>Retail and service</b>			
Adult-use cannabis dispensing organization	S	S	44-1039
Artisanal/Craft Production and Retail	P	P	
Auction Houses	P	P	
Bars, Taverns, Nightclubs	p <sup>1</sup>		
Building Materials and Supplies	P	P	
Catering Services	P	P	
Manufactured and Mobile Home Sales	P	P	§ 44-1023
Medical Marijuana Dispensing Organization	p <sup>1</sup>	p <sup>1</sup>	
Mobile Food and Beverage Vendor	P	P	§ 44-1027
Professional Office Furniture Sales	P	P	
Restaurants, Cafeterias	P	P	
Retail Sales, General	S	S	
Retail sales, Outdoor	S		
Specialty Food Shops	S	S	
<b>INDUSTRIAL</b>			
<b>Manufacturing and Production, Light</b>			
Apparel, Fabrics, Leather Industries	P	P	
Commercial Cleaning and Repair Services	P	P	
Commercial Community Kitchen	P	P	
Crematories	S <sup>3</sup>	S <sup>3</sup>	
Electronics Assembly Plants	P	P	
Fabricated Metal Industries	S	p <sup>1</sup>	
Furniture and Fixtures Industries	P	P	
Lumber and Wood Industries	P	P	
Professional, Scientific Industries	P	P	
Secondary Manufacturing Assembly Plants	S	P	
Textile Mill Products Industries		p <sup>1</sup>	
Trade and Construction Services	P	P	
Wholesaling, Distribution and Storage Facilities	p <sup>1</sup>	p <sup>1</sup>	
<b>Manufacturing and Production, Heavy</b>			
Asphaltic Concrete Plants		S	§ 44-1006
Chemicals and Allied Industries		P	

**Table 602A: Manufacturing District - Permitted and Special Uses**

	M-1	M-2	Reference
Food and Kindred Industries	<u>S</u> <u>P</u> <sup>1</sup>	P	
Paper and Allied Products Industry	P	P	
Petroleum Refining, Related Uses	S		
Mining, Quarrying		S	§ 44-1025
Primary Metal Industries		P	
Recycling Facility		S	§ 44-1028
Refractory Lined Pit Burners		S	§ 44-1029
Refuse Disposal Services		S	§ 44-1028
Rubber and Plastic Industries		P	
Sanitary Landfills		S	§ 44-1028
Solid Waste Disposal Area		S	§ 44-1028
Stone, Clay, Glass Industries	S	P	
Waste Transfer Station		S	§ 44-1028
<b>Storage and Equipment Yards</b>			
Aircraft Storage	P	P	
Composting Facility	P	P	
Junkyards		S	§ 44-1022
Marine Craft Storage, Marinas	p <sup>1</sup>	p <sup>1</sup>	
Mini Warehouses	p <sup>1</sup>	p <sup>1</sup>	§ 44-1026
Parking Lot, Commercial	p <sup>1</sup>	p <sup>1</sup>	
Petroleum Products Storage	P	P	
Railroad Marshalling Yards		S	
<u>Warehouse</u>	<u>P</u>	<u>P</u>	
<b>Transportation</b>			
Bus and Taxi Passenger Terminals	P		
Heliports, Heliport Terminals	S	S	
Rail Passenger Terminals	P		
<b>Utilities</b>			
Electricity or Natural Gas Production Plant		S	
Nuclear Power Plant		S	
Private Solar Energy Conversion Facilities	P	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	P	§ 44-1036
Public or Private Utility Facility, Minor	P	P	

**Table 602A: Manufacturing District - Permitted and Special Uses**

	M-1	M-2	Reference
Radio, Television Stations-Towers	P	P	
Wireless Communication Facilities	P <sup>4</sup>	P <sup>4</sup>	§ 44-1037

Notes:

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

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment E – Public Interest Districts (Article VII) Red-Line

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

B. Allowed Uses Table.

<b>Table 702A: Public Interest Districts - Permitted and Special Uses</b>				
	<b>P-1</b>	<b>P-2</b>	<b>P-3</b>	<b>Reference</b>
<b>Agricultural</b>				
Agricultural		P	P	
Apiary, Beekeeping	S	S	S	§ 44-1005
<u>Chicken-Keeping</u>	<u>S</u>	<u>S</u>		
Forestry		P	P	
Horticultural Services			P	
Urban Agriculture	S	P	P	
Urban Garden	P	P	P	
<b>RESIDENTIAL</b>				
<b>Household Living</b>				
Dwelling <del>Unit</del> , Single-Family	P			
Dwelling <del>Unit</del> , Single-Family Attached	P	P		
Dwelling <del>Unit</del> , Two-Family	P			
Dwelling <del>Unit</del> , Multiple-Family	P	P		
<b>Group Living</b>				
Agency Supervised Homes	P	S		§ 44-1019
Agency-Operated Family Homes	P	P		§ 44-1019
Agency-Operated Group Homes		P		§ 44-1019
Barracks		P		§ 44-1019
Convents, Monasteries		P		§ 44-1019
Dormitories	P	P		§ 44-1019
<b>INSTITUTIONAL</b>				
<b>Education</b>				
Pre-schools	P	P		
Schools, public and private	P	P		
Boarding Schools	P	P		

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

	P-1	P-2	P-3	Reference
Business and Trade Schools	P			
College and University Classrooms	P			
College and University Facilities	P			
<b>Government</b>				
Animal Detention Facilities, w/o outdoor exercise area		p <sup>1</sup>		
Animal Detention Facilities, with outdoor exercise area		S		§ 44-1004
Courthouses		P		
Government Services and Facilities	P	P	P	
Military Bases, Depots, Communication Facilities		P	P	
Police Stations, Fire Stations	P	P	P	
Adult Detention Facility, accessory and attached to Police Station		S		
<b>Religious</b>				
Place of Worship	p <sup>2</sup>	p <sup>2</sup>		
Cemetery and Columbarium		P		§ 44-1010
<b>Health</b>				
Ambulatory Surgical Treatment Center	P			
Hospital or Medical Center	S	S		
<b>Residential-Type</b>				
Adult and Juvenile Detention Facilities		S		
Domestic Violence Shelter	P			
<del>Home for the Aged</del> <u>Assisted Living Facilities</u>		S P <sup>1</sup>		§ 44-1019
<b>Other Institutional, Cultural</b>				
Clubs and Lodges	P	S	P	§ 44-1012
Food Pantry	P	P		§ 44-1018
Libraries	P	P	P	
Museums and Cultural Institutions	P	P	P	
Zoos		p <sup>1</sup>		
<b>RECREATIONAL</b>				
Country Clubs, Golf Clubs, Golf Courses	S	P	P	§ 44-1016
Community Center	P	P	P	§ 44-1013
Fairgrounds, Agricultural Exhibits		S		§ 44-1017
Parks and Recreation Facilities	P	P	P	

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

	P-1	P-2	P-3	Reference
Swimming Clubs	S		S	
Swimming Pools, Community	P	P		§ 44-1032
<b>COMMERCIAL</b>				
<b>Aircraft and Automotive</b>				
Aircraft Sales and Service			P	
Vehicle Fueling Station			S	
Vehicle Rental Service			P	
Vehicle Storage			P	
<b>Entertainment and Hospitality</b>				
Commercial Recreation Facilities	P			
Entertainment and Exhibition Venues	P	p <sup>1</sup>		
Sports and Fitness Establishments	P	S	P	§ 44-1013
Theaters and Auditoriums	P			
<b>Lodging</b>				
Bed-and-breakfast Establishments	S			§ 44-1007
Boarding and Rooming Houses	P			§ 44-1019
Hotel or Motel	S			§ 44-1021
<b>Offices</b>				
Financial Services			p <sup>3</sup>	
General Offices, Business or Professional			P	
<u>Materials Testing Facility</u>	<u>P</u>	<u>S</u>		
Medical or Dental Office or Clinic	P			§ 44-1024
Printing, Copying and Mailing Services	P		P	
Recording and Broadcast Studios			P	
<b>Personal Services</b>				
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.				
Instructional Studios	P	S		
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.		S <sup>4</sup>	p <sup>3</sup>	
Day-care centers	P	S	p <sup>3</sup>	
<b>Retail and Service</b>				
Bars, Taverns, Nightclubs			p <sup>3</sup>	
Catering Services	P		P	

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

	P-1	P-2	P-3	Reference
Drug Stores and Pharmacies	P		P <sup>3</sup>	
Mobile Food and Beverage Vendor	P	P	P	§ 44-1027
Restaurants, Cafeterias	P		P <sup>3</sup>	
Retail Sales, General			P <sup>3</sup>	
Specialty Food Shops			P <sup>3</sup>	
<b>INDUSTRIAL</b>				
<b>Manufacturing and Production, Light</b>				
Electronics Assembly Plants			P	
Trade and Construction Services			P <sup>3</sup>	
Wholesaling, Distribution and Storage Facilities			P	
<b>Storage and Equipment Yards</b>				
Aircraft Storage			P	
Composting Facility		P		
Marine Craft Storage, Marinas			P	
Mini Warehouses			P	§ 44-1026
Parking Lot, Commercial	P	P	P	
Petroleum Products Storage			P	
<u>Warehouse</u>			<u>P</u>	
<b>Transportation</b>				
Airports and Landing Fields			P	§ 44-1003
Airport Passenger Terminals			P	
Bus and Taxi Passenger Terminals	P		P <sup>3</sup>	
Heliports, Heliport Terminals			P	
Rail Passenger Terminals			P <sup>3</sup>	
<b>Utilities</b>				
Commercial Solar Energy Conversion Facilities	P	P	S	§ 44-1031
Electricity or Natural Gas Production Plant			S	
Private Solar Energy Conversion Facilities	P	P	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	P		§ 44-1036
Public or Private Utility Facility, Minor	P	P	P	
Radio, Television Stations-Towers	P			
Wireless Communication Facilities	P <sup>5</sup>	S	P <sup>5</sup>	§ 44-1037

Notes:

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

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

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment F – General Provisions (Article IX) Red-Line, as required by amendments to § 44-16 removing regulatory components

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

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

A. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, except as permitted hereafter.

[...]

D. An accessory building or structure hereafter constructed, erected, placed, structurally altered, enlarged, or moved, except as otherwise permitted in this Code shall be subject to the following bulk requirements:

(1) Except for roadside markets, no accessory building or structure shall be permitted within the required front or side yards of a lot, as set forth in each district.

(2) Accessory buildings and structures shall comply with Table 908.

<b>Table 908: Accessory Building and Structures</b>				
<b>Districts</b>	<b>Maximum Height</b>	<b>Min. Distance to Principal Building Wall</b>	<b>Min. Distance to Rear or Side Lot Line</b>	<b>Min. Distance to Alley Right-of-Way Line</b>
Agricultural Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Residential Districts	14 feet	10 feet	3 feet	10 feet*
Business Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Manufacturing Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Public Interest Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*

Notes:

\* When the entrance to the accessory building for motor vehicles is parallel to and facing such alley right-of-way line

(3) The foregoing height limits shall not apply to telecommunication antennas and telecommunication antenna facilities authorized pursuant to Article IV and X of this Code.

(4) The gross floor area of an accessory building or structure to be constructed in any zoning district shall not exceed 30% of the rear yard, nor shall it exceed following:

(a) In an agricultural district or the R-1A, R-1B, R-1C, R1-H, R-2, or R-4 District, the gross floor area of an accessory building or structure shall not exceed the ground floor of the principal building or 1,000 square feet, whichever is less.

(b) In a business district, manufacturing district, public interest district or the R-3A or R-3B District, the cumulative gross floor area of an accessory building or structure in combination with the principal structure(s) shall comply with the gross floor area regulations for the zoning district in which it is located.

- (5) No manufactured home, mobile home or other similar portable structure or building shall be used as an accessory building or structure except when used incidentally to and temporarily for construction operations of a principal use, notwithstanding the following exceptions:
  - (a) Storage buildings not exceeding 144 square feet in area and a maximum height of 12 feet to the highest point on such building are permitted as accessory buildings.
  - (b) It shall be unlawful to use any portable on demand storage container or other similar portable structure as an accessory building or accessory structure located on any Residential District lot except when used temporarily during construction or moving operations of a principal use. Such portable containers or structures shall be removed from such Residential District lot within 14 consecutive days after the date of completion of such construction or moving operations.
- (6) An accessory building which is attached to a principal building shall be considered as a part of the principal building and shall be subject to all regulations governing the location of principal buildings.
- (7) An accessory building which is not attached to a principal building may contain a rooming unit as an accessory use provided that such rooming unit is occupied by a person who is related by blood, adoption, or marriage to a member of the family occupying a single-family dwelling unit in the principal building or provided that such rooming unit is occupied by a household servant employed by the family occupying a single-family dwelling unit in such principal building.
- (8) No incinerator shall be hereafter constructed, erected, placed, structurally altered, or enlarged in or within 2,000 feet of property in a residential district.
- (9) Structures or buildings that are accessory to manufactured homes or mobile homes are not to be considered permanent and shall not have permanent foundations (foundations forty (40) inches or more below grade). These structures shall be constructed to be free standing and not apply any additional loading situations to the manufactured home or mobile home it is associated with.
- 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.

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment G – Use Provisions (Article X) Red-Line

Article X [Ch. 44, 10] Use Provisions

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

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

[...]

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

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

[...]

- E. Private solar energy conversion.

(1) Building or roof-mounted systems.

- (a) Location. Solar facilities may be located on any principal or accessory structure. Systems should be flush mounted when possible.
- (b) Height. The height of roof-mounted systems is measured from the roof surface on which the system is mounted to the highest edge of the system. Roof-mounted systems shall comply with the following height standards.
- [1] Maximum height. Building or roof-mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district.
- [2] Pitched roof. Systems shall not extend beyond three feet parallel to the roof surface of a pitched roof.
- [3] Flat roof. Systems shall not extend beyond four feet parallel to the roof surface of a flat roof.
- (c) For roof-mounted systems, the total square footage of the system panels may not exceed the total area of roof surface of the structure to which the system is attached. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the perimeter of the building on which the system is mounted or built; however, solar roofing tiles and shingles may extend to the edge of the roof eaves.
- (d) Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.

(2) Freestanding systems.

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

(b) Location.

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

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

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

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

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

(3) Historic buildings. Zoning lots within historic districts are subject to the additional requirements of the district.

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment H – Nonconforming Buildings and Uses (Article XI) Red-Line

**Article XI Nonconforming Buildings and Uses**

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

- A. Whenever any building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of the Code, such premises shall not thereafter be used or occupied by a nonconforming use.
- B. When a nonconforming use of a structure-is discontinued for any reason for a continuous period of one year, such use shall not be re-established, and the use of the premises shall thereafter conform to the requirements of this Code.
- C. Where no enclosed building is involved, discontinuance of a nonconforming use for a continuous period of six months shall constitute abandonment, and the use of the premises shall thereafter conform to the requirements of this Code.
- D. With the exception of single-family structures, built as such, when a structure containing a nonconforming use is damaged to an extent exceeding 50% of its gross floor area or replacement value the nonconforming use shall not be re-established, and the premises shall thereafter conform to the requirements of this Code.

**§ 44-1106 [Ch. 44, 11-6] Damage and destruction.**

- A. When a nonconforming structure or nonconforming portion of a structure is destroyed by any means to an extent exceeding 50% of its gross floor area or replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code;
- B. This section shall not be applicable under the following two sets of circumstances:
  - (1) When government action impedes access to the premises;
  - (2) When the conversion of a structure originally designed as a single-family dwelling unit is restored to such a dwelling unit pursuant to § **44-902D**.

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment I – Planned Unit Developments (Article XV) Red-Line, as required by amendments to § 44-16 removing regulatory components

**Article XV Planned Unit Developments**  
**§ 44-1503 [Ch. 44, 15-3] Design standards and criteria.**

- A. The uses permitted within the planned unit development shall be the same as those authorized in the zoning district in which it is located.
- B. A planned unit development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
- C. Beneficial common open space. Any common open space in the planned unit development shall be integrated into the overall design of the site. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. Desirable open space amenities include, but are not limited to plazas, gardens, playgrounds, and playing fields.
  - 1. The following shall apply to all Common Recreation Spaces:
    - a. The area may not be less than 10,000 square feet.
    - b. The shortest distance between median points of any two sides of such common recreation space shall not be less than 36 feet.
    - c. All recreation space shall not be less than 20 feet away from any first story residential building wall containing a window.
  - 2. The following would not be considered usable common open space:
    - a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
    - b. Dedicated streets, alleys, and other public rights-of-way.
    - c. Vehicular drives, parking, loading and storage area.
    - d. Dry detention basins.
    - e. Irregular or unusable narrow strips of land less than 15 feet wide.
- D. Energy efficient design. A planned unit development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the Planned Unit Development and to the extent feasible, the applicant will be encouraged to integrate renewable energy technologies or obtain Leadership in Energy and Environmental Design (LEED) certification level standards for the project.
- E. Relationship to adjoining land. A planned unit development shall be developed with connections to adjoining land. Designs should emphasize accessibility, open views, and connections with the larger community and discourage development that divides neighborhoods or restricts access to adjacent property. The design of lots, streets, sidewalks, and paths within a planned unit development shall make provisions for the continuation of such existing or proposed features to adjoining areas.

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment J – Definitions (Article XVI) Red-Line

**NOTES** – These notes are intended to facilitate discussion only and should not be codified with any changes in the resulting Ordinance(s).

- M** – **Moved** to another section, usually the associated regulation (accessory structures, PUDs, etc.)
- C** – Adjustment made for **clarity** or removal of cross-reference or redundancy
- UT** – Use in the current **(Use) Table(s)** of Permitted and Special Uses, without a definition of said use
- O** – Add definition **Omitted** through translation/transcription errors between drafts during adoption
- R** – **Restoration** of a definition removed during update, but with terminology still present in the Code.
- X** – Terminology no longer present/used in the Code; definition **no longer required**.

**Article XVI Definitions**

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

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

- A. The singular includes the plural and the plural the singular;
- B. The present tense includes the past and the future tenses, and the future tense includes the present;
- C. When used in connection with an action of an owner or developer, the word "shall" is mandatory, while the word "may" is permissive;
- D. Terms connoting a particular gender shall include each and every gender;
- E. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof, and any word appearing in parenthesis between a word and its definition shall be construed in the same sense as that word;
- F. All measured distances shall be to the nearest integral foot; if a fraction is 1/2 foot or more, the integral foot next above shall be taken;
- G. All words and terms not defined herein shall be construed in their generally accepted meanings; and
- H. All provisions of this Code imposing duties upon the City, its officers or agents are directory, unless the context clearly requires the provision be construed as mandatory; and
- I. The term “Director” or “Director of Economic and Community Development” shall be inclusive of the Zoning Administrator and any designee authorized to act on behalf of the Director
- J. In the case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.

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

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

**ABROGATE**

Abolish, annul, nullify, do away with.

**ABUTTING (ADJACENT, ADJOINING, CONTIGUOUS) <sup>C</sup>**

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

**ACCESSORY BUILDING OR STRUCTURE OR USE <sup>M</sup>**

An accessory building, structure or use is one which:

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

**ADDITION**

An extension or increase in floor area or height of a building or structure.

[...]

**AGENCY-OPERATED FAMILY HOME <sup>C, M</sup>**

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

## **AGENCY-OPERATED GROUP HOME** <sup>C, M</sup>

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

## **AGENCY-SUPERVISED HOME** <sup>O</sup>

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

## **AGRICULTURAL (AGRICULTURAL USES)** <sup>C</sup>

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

## **AGRICULTURAL EXHIBIT**

See "fairground."

## ~~**AIR CURTAIN INCINERATOR**~~ <sup>M</sup>

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

## **AIRCRAFT**

Any contrivance now known or hereafter invented for use in or designed for navigation or flight in the air.

[...]

## **AIRPORT PASSENGER TERMINAL**

A building at an airport where passengers transfer between ground transportation and the facilities that allow them to board and disembark aircraft.

**ALLEY** <sup>C, O</sup>

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

**ALTERATION** <sup>C, O</sup>

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

**AMBULATORY SURGICAL TREATMENT CENTER** ~~OR SURGI-CENTER~~ <sup>X</sup>

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

- A. Any institution, place, building, or agency required to be licensed pursuant to the "Hospital Licensing Act" approved July 1, 1953, as amended.
- B. Any person or institution required to be licensed pursuant to the 'Nursing Home Care Act', approved August 23, 1979, as amended.
- C. Hospitals or ambulatory surgical treatment centers maintained by the State or any department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitals or ambulatory surgical treatment centers under its management and control.
- D. Hospitals and ambulatory surgical treatment centers maintained by the Federal Government or agencies thereof.
- E. Any place, agency, clinic, or practice, public or private, whether organized for profit or not, devoted exclusively to the performance of dental or oral surgical procedures.

[...]

**ANIMAL HOSPITAL**

Any building, or portion thereof, designed or used for the care, observations, treatment of domestic animals.

**ANIMAL RUN** <sup>M</sup>

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

**ANTENNA**

A device designed and used to transmit and/or receive radio or electromagnetic waves. Examples include radio and television transmitters, panel antennas, directional antennas, and microwave dishes.

**APIARY (BEEKEEPING)<sup>C, O</sup>**

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

**APPLICANT**

The owner of the property or the authorized representative of the owner applying for development approval.

**APRON**

That portion of a driveway located between the curb and the property line or in the absence of a curb between the street pavement and the property line.

**AQUACULTURE**

The cultivation of freshwater or saltwater populations under controlled conditions including fish, crustaceans, mollusks, aquatic plants, algae, and other similar organisms.

**AQUAPONICS**

A system that combines conventional aquaculture with hydroponics in a symbiotic environment.

**ARBOR<sup>R</sup>**

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

**ARCHITECTURAL FEATURE<sup>R</sup>**

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

**ARTISANAL/CRAFT PRODUCTION AND RETAIL**

An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items or artisanal quality. This category also includes small-scale alcohol production\* outlined and defined in 235 ILCS 5/5-1 (\*production amounts and distribution requirements regulated by the Illinois Municipal Code and Chapters 6 and 26 of the City of Bloomington City Code).

**ASSISTED LIVING FACILITIES<sup>NEW</sup>**

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

**AUCTION HOUSE**

A building, area or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes therefrom an auction, the principal

purpose of which is the sale of livestock or motor vehicles.

[...]

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

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

**BALCONY**

An elevated platform that is connected to an exterior building wall and surrounded by a low wall or railing.

**BARRACKS**

A building used especially for the lodging of soldiers in garrison.

**BARS**

An establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor.

**BASEMENT (CELLAR)<sup>C</sup>**

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

**BASE STATION<sup>O</sup>**

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

**BAY WINDOW**

A window projecting beyond the wall line of a building.

**BED-AND-BREAKFAST ESTABLISHMENTS**

An operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms," each limited to two transient adult guests per night, for rent, in operation for more than 10 nights in a twelve-month period. Only breakfasts may be provided to the guests. Bed-and-breakfast establishments shall not include motels, hotels, boarding houses, lodging houses or food service establishments.

**BEEKEEPING. See "Apiary".<sup>M</sup>**

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

**BERM**

A man-made mound of earth constructed so as to provide a barrier in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

## **BICYCLE RACK**

A bicycle rack or bicycle parking rack is a stationary fixture to which a minimum of two bicycles can be securely attached to prevent theft.

## ~~**BIRTHING CENTER**~~ <sup>X, M</sup>

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

## **BLOCK**

A tract of land bounded by streets or by a combination of one or more streets and parks, cemeteries, shorelines of streams or other waterways, corporate limit lines, railroad rights-of-way, or other lines of demarcation.

## **BOARD OF ZONING APPEALS (ZONING BOARD OF APPEALS)**

The Board of Zoning Appeals for the City of Bloomington, Illinois.

## **BOARDING AND ROOMING HOUSE** <sup>C</sup>

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

## **BOARDING SCHOOL**

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

## ~~**BOOK, STATIONERY STORES, NEWSSTANDS**~~ <sup>M</sup>

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

## **BROADCAST STUDIO.** See "Recording Studio". <sup>O</sup>

## **BUFFER** <sup>O</sup>

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

## **BUILDING**

Any structure used or intended for supporting or sheltering any use or occupancy.

## **BUILDING HEIGHT**

The vertical distance from the grade to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each adjacent street frontage. Where it is not practical to use the average of the grades at the center of each street, frontage height shall be measured from the immediate average grade.

**BUILDING MATERIALS AND SUPPLIES** <sup>C,O</sup>

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

**BUILDING SETBACK (REQUIRED YARD)**

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

**BUILDING SETBACK LINE (REQUIRED YARD LINE)** <sup>C</sup>

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

**BUILDING, EXISTING**

Any building erected prior to the applicability of this Code, thereto or one for which a legal building permit heretofore has been issued.

**BUILDING, PRINCIPAL**

A building in which a principal use of a lot on which it is located is conducted.

**BUILDING, RESIDENTIAL**

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

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

~~J. —Homes for the aged. Assisted Living Facilities.~~ <sup>NEW</sup>

**BUILDING, TEMPORARY** <sup>C,O</sup>

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

**BULK**

A term used to measure, assess, and regulate the impact of buildings, structures or land uses on other nearby buildings, structures or land uses and includes the following factors:

- A. Size and height of buildings;
- B. Location of exterior walls and required on-site facilities at all levels in relation to lot lines, public streets, or to other buildings;
- C. Gross floor area of buildings in relation to lot area (floor area ratio);

- D. All open spaces allocated to buildings;
- E. Amount of lot area provided per dwelling unit; and
- F. Type, amount and location of landscaping and site screening used to shield or reduce the impact of land uses on surrounding property.

[...]

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

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

**CAMPING AND RECREATIONAL EQUIPMENT**

Any truck camper, trailer, travel trailer, motor vehicle, marine craft, aircraft or tent used for recreation purposes.

**CANOPY** <sup>O</sup>

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

**CAR WASH**

A building or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods with a chain conveyor blower, steam cleaning device, or other mechanical devices; or providing space, water, and equipment for the hand-washing of autos, whether by the customer or the operator.

**CARPORT**

An automobile shelter, usually formed by extension of the roof from the side of a building, and enclosed on not more than two sides by walls.

**CATERING SERVICE**

A business establishment engaged in the preparation of food and beverages for consumption at another location. Catering shall not include the manufacturing of food as defined in "Food and Kindred Industries."

**CELLAR.** See "Basement". <sup>M</sup>

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

**CEMETERY** <sup>C, O</sup>

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

**CERTIFICATE OF APPROPRIATENESS**

A certificate issued by the Historic Preservation Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within an S-4 Historic Preservation District.

**CERTIFICATE OF ECONOMIC HARDSHIP**

A certificate issued by the Historic Preservation Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied.

#### **CERTIFICATE OF USE AND OCCUPANCY**

The certificate issued by the Director of Economic and Community Development which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law and ordinances for the use or occupancy of the building in its several parts together with any special stipulations or conditions therein.

#### **~~CHARITABLE ORGANIZATION (PHILANTHROPIC ORGANIZATION)~~<sup>X</sup>**

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

[...]

#### **CLEAN WOOD**

Untreated wood or untreated wood products, including clean untreated lumber.

#### **CLOTHING CARE**<sup>C, O</sup>

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

#### **CLUB or LODGE**

A nonprofit corporation or association of persons who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

#### **~~CLUSTER SUBDIVISION~~<sup>X</sup>**

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

#### **COLLECTOR STREET**

A street that serves as a connection between a major street and minor streets. Its primary function is to distribute and collect traffic to and from minor streets. A collector street functions to conduct traffic between major streets and/or activity centers. It is a principal traffic artery within residential areas and carries a moderate volume of traffic. The collector street has potential for sustaining minor retail or other commercial establishments along its route which will influence the traffic flow.

#### **COLLEGE (UNIVERSITY)<sup>R</sup>**

An institution of higher education accredited by a regional organization or authorized by the

State of Illinois to issue undergraduate, graduate, and professional level degrees. A college or university shall be inclusive of college administration buildings, classrooms and laboratories, maintenance facilities, dormitories, athletic buildings and fields, student clubs and associations, libraries and other facilities or buildings customarily associated with a college or university.

#### **COLLEGE AND UNIVERSITY CLASSROOMS**

Any structure utilized as classroom space by a private or public college or university.

#### **COLLEGE AND UNIVERSITY FACILITIES**

Any structure utilized by a private or public college or university for purposes including but not limited to congregation, assembly, performance, and recreation. Not to include classrooms.

#### **COLLOCATE**

To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

#### **COLUMBARIUM**

A building or structure or area within a building or structure intended to be used for the interment of the cremated remains of a deceased person or animal.

**COMMERCIAL.** See “Business”.<sup>R</sup>

#### **COMMERCIAL CLEANING AND REPAIR SERVICES**

A building, portion of a building, or premises used or intended to be used for repair and/or cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

[...]

#### **COMMISSION (PLANNING AND ZONING COMMISSION)**

The Planning Commission of the City of Bloomington, Illinois.

#### **COMMON DRIVEWAY**

A common driveway is a driveway serving two or more structures or off-street parking areas, which are located on individual lots.

#### **COMMON RECREATION SPACE** <sup>M, C</sup>

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

[...]

#### **CONSTRUCTION**

The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot.

**~~CONVALESCENT HOME~~** <sup>X</sup>

~~A privately operated establishment devoted to the care of persons during the recuperative stage of an illness, or in which persons may be cared for during an illness. This definition shall not be construed to imply or permit the practice of general hospital functions such as major surgical operations or the rendering of service beyond nursing care in the operation of nursing homes or sheltered care homes or homes for the aged, as defined herein and as regulated by 210 ILCS 45/1-101 et sec. "The Nursing Home Care Act."~~

**CONVENT**

The dwelling units of a religious order or congregation.

[...]

**COURTHOUSE**

A building that is home to a local court of law and other regional county government functions.

**CREMATORY** <sup>UT, O</sup>

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

**CUL-DE-SAC**

A street terminated at one end with a turnaround, the open end being the only means of access to another street.

**CULTURAL INSTITUTIONS**

Establishments that document the social and religious structures and intellectual manifestations that characterize a society, and include museums, art galleries, and similar establishments that document and present natural, historic, scientific, or cultural interests.

**CURB LEVEL**

The level of the established curb in front of a building or structure measured at the center of such front. Where no curb has been established, it shall be deemed to be the established elevation of the center line of the street surface in front of a building or structure measured at the center line of such front.

**~~CURRENCY EXCHANGE~~** <sup>X</sup>

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

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

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

**DAY-CARE CENTER** <sup>C, O – Mimic Use Tables</sup>

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

**A. CHILD DAY-CARE HOME**

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

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

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

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

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

**DECK**

A roofless outdoor structure built as an aboveground platform supported by posts, at least one foot above grade; a deck may or may not be attached to the main building and may or may not have railings or steps; a deck is generally of significant size and is used primarily for recreation uses, and secondarily as an entrance and exit to the building.

[...]

**DIAGNOSTIC IMAGING CENTER**

A facility offering diagnostic imaging services on an outpatient basis to ambulatory patients. The imaging modalities may include general X-ray services, CT scans, MRI scans, ultrasound, fluoroscopy, mammography and any other generally recognized imaging methods commonly utilized on an outpatient basis.

**DIAGNOSTIC LABORATORY TESTING FACILITY** <sup>M, NEW</sup>

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

**DIRECT-TO-HOME SATELLITE SERVICES**

The distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.

[...]

**DIRECTOR OF ENGINEERING**

The Director of the Department of Engineering for the City of Bloomington, Illinois, or his or her duly authorized representative.

~~**DISPLAY PUBLICLY**~~<sup>X</sup>

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

**DISTRIBUTED ANTENNA SYSTEM**

A system consisting of:

- A. A number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception;
- B. A high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub; and
- C. Radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through

[...]

**DORMITORY (STUDENT RESIDENCE HALL)**

A dormitory is a residential building where group sleeping accommodations are provided for persons not members of the same family and where the number accommodated exceeds that allowed in a dwelling unit in the district. The group sleeping accommodations may be in one room or in a series of closely associated rooms under occupancy and single management as in college dormitories, fraternity houses, sorority houses, military barracks, etc., regardless of whether meals are provided.

~~**DRIVE-IN**~~<sup>X</sup>

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

**DRIVE-IN MOTION PICTURE THEATER**

Any outdoor business establishment in which motion pictures, slides or similar photographic reproductions are shown as the principal use of the premises or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such motion pictures, slides or similar photographic reproductions are shown on a regular basis; but excludes therefrom "adult motion-picture theaters" as defined herein.

**DRIVE-THROUGH**

A component of a retail or service use designed and operated to serve a patron who is seated in an automobile.

[...]

**DWELLING UNIT, ATTACHED**

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

**DWELLING UNIT, DETACHED**

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

**DWELLING UNIT, MULTIPLE-FAMILY**

A dwelling containing more than two dwelling units.

**DWELLING UNIT, SINGLE-FAMILY**

A dwelling, containing one dwelling unit.

**DWELLING UNIT, SINGLE-FAMILY ATTACHED**

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

**DWELLING UNIT, TWO-FAMILY (DUPLEX)**

A dwelling containing two dwelling units with a common entrance.

**DWELLING UNIT**

One or more rooms arranged or designed for the use of one family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities in a self-contained unit, so that access to the street and any additional facilities (such as laundry, heating units, etc.) can be gained without passing through any other residential or commercial unit.

**DWELLING UNIT, ACCESSORY**

A residential dwelling unit, excluding mobile or manufactured homes, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.

**DWELLING, CONVERSION, TWO-FAMILY (2 UNITS)<sup>M</sup>**

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

**DWELLING, CONVERSION, MULTIPLE-FAMILY (3+ UNITS)<sup>M</sup>**

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

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

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

**EASEMENT**

A right to use a portion of the land or another for a purpose not consistent with a general property right of the owner.

**EFFICIENCY UNIT**

A dwelling unit that has only one combined living and sleeping room, said dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate

room containing only toilet and bathing facilities.

### **ELEEMOSYNARY**<sup>X</sup>

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

### **ELECTRICITY PRODUCTION PLANT**<sup>UT</sup>

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

### **ELECTRONICS ASSEMBLY PLANT**<sup>UT</sup>

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

[...]

### **EXTERIOR ARCHITECTURAL APPEARANCE**

The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

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

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

### **FABRICATED METAL INDUSTRIES**<sup>UT</sup>

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

### **FAIRGROUND**

An area of land use including but not limited to agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

### **FAMILY**

One or more persons, each related to the other by blood, adoption, or marriage, living in a dwelling unit. One or more persons each related to the other by blood, adoption, or marriage and not more than two other persons not related by blood, adoption or marriage living in a dwelling unit shall also be deemed to constitute a family. Any child living in a "Foster Family Home" as that term is defined herein shall also be deemed to be part of a family. However, in no case shall more than two persons not related by blood, adoption or marriage occupy any efficiency unit or a one bedroom dwelling unit as defined herein. Three or more unrelated parolees living in one dwelling unit shall not be considered to be a "family" for purposes of the Zoning Code unless all such parolees are actually related by blood, adoption, or marriage. "Parolees" shall have the definition set forth in Chapter 26, § 26-201, of the Bloomington City Code.

[...]

**FISH HATCHERY <sup>C</sup>**

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

**FLOOR AREA**

The sum of the gross horizontal areas of the several floors measured in square feet from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall also include the basement floor area; elevator shafts and stairwells at each floor; floor space used for mechanical equipment (except equipment, open or closed, located on the roof), penthouses and attic space having average headroom of seven feet six inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory buildings, structures or uses, provided that any space devoted to outdoor off-street parking or loading shall not be included in floor area.

[...]

**FRONTAGE <sup>C</sup>**

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

**FRONTAGE, BUILDING**

The length of any side of a building which fronts on a public street, a public or private parking area, or a pedestrian walk where customer access to the building is available.

**FRONTAGE, ROAD**

Is a local street which is roughly parallel to and either adjacent to or within the right-of-way of an arterial street.

**FUNERAL PARLOR, MORTUARY**

A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. Embalming and the performance of other services used in the preparation of the dead for burial;
- B. The performance of autopsies and other surgical procedures;
- C. The storage of caskets, funeral urns, and other related funeral supplies;
- D. The storage of funeral vehicles; and
- E. Facilities for cremation.

**FURNITURE AND FIXTURES INDUSTRIES <sup>UT</sup>**

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

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

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

**GARAGE, ACCESSORY**

An accessory building which is intended for and used for storing passenger motor vehicles owned and used by the occupants of the building to which it is accessory.

[...]

**GLARE.** See “Lighting, Glare”.<sup>O</sup>

**GOLF CLUB**

A clubhouse, shelter, and other uses accessory to a golf course.

**GOLF COURSE**

A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards.

**GOVERNMENT SERVICES AND FACILITIES**

Services and facilities owned and operated by Federal, State, or units of local government.

**GOVERNMENTAL USES**

Uses of land by Federal, State or units of local government.

**GRADE** <sup>O, C</sup>

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

**GROCERY STORE, SUPERMARKET** <sup>C, O</sup>

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

**GROOMER**

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

**GROSS FLOOR AREA**

The total area of the building accessible or visible to the public, including showrooms, motion-picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, rest rooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

**GROUP LIVING** <sup>O</sup>

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

**GROUP HOME FOR PAROLEES**

A residential structure housing, in one dwelling unit, three or more unrelated parolees. Three or

more unrelated parolees living in one dwelling unit shall not be considered to be a "family" for purposes of the Zoning Code unless all such parolees are actually related by blood, adoption, or marriage.

~~**GUESTS, PERMANENT**~~ <sup>X</sup>

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

**GUN SHOP**

Any premises or portion thereof used for the sale, vending, dealing, exchange, or transfer of firearms.

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

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

**HABITABLE ROOM**

A room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes, not including bathrooms, toilet compartments, laundries, pantries, foyers, hallways, and other accessory spaces.

[...]

**HISTORIC DISTRICT**

An historic area designated as an "S-4 Historic Preservation District" by ordinance of the City Council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, which not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within such historic area.

~~**HOME FOR THE AGED**~~ <sup>X, M, NEW</sup>

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

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

[...]

**HOSPITAL**

An institution, licensed by the State of Illinois, providing primary health services and medical or

surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and/or other abnormal physical or mental conditions and includes, as an integral part of the institution, related facilities such as laboratories, outpatient facilities and/or training facilities.

### **HOTEL (MOTEL, MOTOR HOTEL)**<sup>C, O</sup>

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

### **HYDROPONICS**

The growing of plants in nutrient solutions without an inert medium, such as soil, to provide mechanical support.

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

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

### **IMPERVIOUS SURFACE**

Any hard-surfaced, man-made area that does not readily absorb or retain water including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreational areas; synonymous with non-pervious surface.

### **IMPROVEMENT**<sup>O</sup>

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

### **INFRASTRUCTURE**<sup>O</sup>

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

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

~~X~~

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

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

~~E. Any facility licensed as a "group home" or "night care center" as defined in the Illinois "Child Care Act of 1969," as amended.~~

**INSTRUCTIONAL STUDIO** <sup>C, O</sup>

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

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

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

**JUNK**

Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, or trailer that is abandoned, demolished, discarded, dismantled, or so worn, deteriorated or in such a condition as to be generally unusable in its existing state, including without limitation, motor vehicles, scrap metal, scrap material, waste, bottles, tin cans, paper, rubble, boxes, crates, rags, used lumber, building materials, machinery parts, and used tires.

**JUNKYARD (SALVAGE YARD)** <sup>C, O</sup>

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

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

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

[...]

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

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

**LABORATORY**

A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to in the main purpose of the laboratory.

[...]

**LIVE/WORK UNIT**

A dwelling unit use for both dwelling purposes and nonresidential use provided that no more than two persons who do not reside in the unit are employed on the premises.

## LOADING SPACE, OFF-STREET

Space located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

## LOT **[Restructure only – same language, reflect subsets]**

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

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

## ~~LOT AREA~~

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

**LOT LINE, FRONT**

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

**LOT LINE, REAR**

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

**LOT LINE, SIDE**

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

**LOT OF RECORD**

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

**LOT, CORNER**

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

**LOT, DEPTH**

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

**LOT, FRONTAGE**

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

**LOT, INTERIOR**

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

**LOT, LINE**

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

**LOT, NON-CONFORMING**

(See "nonconforming lot.")

**LOT, OUT**

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

**LOT, REVERSED CORNER**

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

**LOT, THROUGH**

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

**LOT, WIDTH**

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

**LOT, ZONING**

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

recorded lots.

### **LUMBER AND WOOD INDUSTRIES**<sup>UT</sup>

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

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

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

#### **MAJOR STREET**

A public right-of-way with as high degree of continuity which provides for the through traffic movement around and across the City, as designated in the Official Comprehensive Plan.

[...]

#### **MESSAGE THERAPY STUDIO**

An establishment offering massage therapy and/or body work by a massage therapist, licensed by the City under Chapter 22, Article X, of the Bloomington City Code, 1960, as amended, or under the direct supervision of a licensed physician.

### **MATERIALS TESTING FACILITY**<sup>NEW</sup>

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

#### **MEDIA**

Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, digital video disks, other magnetic media, and undeveloped pictures.

### ~~**MEDIA SHOP**~~<sup>M</sup>

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

### **MEDICAL CENTER**<sup>O</sup>

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

### **MEDICAL LABORATORY FACILITY**<sup>NEW</sup>

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

**MEDICAL MARIJUANA DISPENSING ORGANIZATION**

An establishment where marijuana is sold for medical purposes to qualified patients or their caregivers, parents or legal guardian(s) if applicable.

[...]

**MOBILE FOOD AND BEVERAGE VENDOR**

A self-contained food service operation, licensed by the McLean County Health Department and located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service.

**MOBILE HOME**

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

**MODULAR UNIT <sup>C</sup>**

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

**MONASTERY**

See "convent."

[...]

**MOTOR VEHICLE STORAGE**

A parking lot type facility or building for the orderly storage of operable/registered motor vehicles intended to be sold (car dealerships), leased (car rental service), preserved (antique car storage) or stored (RV and boat storage area as incidental use in a subdivision).

**MULTIFAMILY CONVERSION See "DWELLING, CONVERSION". <sup>M</sup>**

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

**MUSEUM**

See "cultural institutions."

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

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

**NAMEPLATE**

A non-electric sign identifying only the name and occupation or the profession of the occupant of the premises on which the sign is located. If any premises include more than one occupant, nameplate refers to the names and occupations or professions of all occupants of the premises.

## **NATURAL GAS PRODUCTION PLANT**<sup>UT</sup>

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

[...]

## **NOXIOUS MATTER**

Any solid, liquid, or gaseous matter including but not limited to gases, vapors, dusts, fumes, and mists containing properties that by chemical means are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well-being of persons or damage to property.

## **NUCLEAR POWER PLANT**<sup>UT</sup>

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

[...]

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

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

## **OFFICE CONVERSION**

A building originally designed or intended to be used principally as a single-family residence, which has been legally converted into use as a commercial business for any of the following related categories: architecture, engineering, planning, law, interior design, insurance, real estate, or any similar type of profession, excluding financial services and medical or dental offices or clinics.

[...]

## **OUTDOOR STORAGE**

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

## **~~OUTDOOR STORAGE, BULK~~**<sup>X</sup>

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

## **~~OUTDOOR STORAGE, NON-BULK~~**<sup>X</sup>

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

## **~~OUTDOOR STORAGE, SEASONAL~~**<sup>X</sup>

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

[...]

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

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

**PARK AND RECREATION FACILITY**

A park or recreation facility that is publicly owned and operated.

**PARKING LOT** <sup>C, O</sup>

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

**PARKING LOT, COMMERCIAL**

Parking space(s) or parking lot, associated with any business, commercial or industrial use, where such lot is established as the principal use of a lot.

**PARKING LOT, NONCOMMERCIAL**

Parking space(s) or parking lot, associated with residential uses, i.e. multiple-family, dormitories, sororities and fraternities, or other noncommercial uses, such as churches, which are normally permitted or permitted as special uses in residential zoning districts.

**PARKING LOT LANDSCAPING** <sup>O</sup>

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

**PARKING SPACE**

An area on a parking lot sufficient in size according to the provisions of this Code to store one passenger motor vehicle, connected to a street or alley by a driveway or driving area and so arranged as to permit ingress and egress of the motor vehicle at all times without maneuvering on a sidewalk and without moving any other motor vehicles parking adjacent to the parking space.

**PARTICULATE MATTER**

Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid substance.

**PARTY WALL** <sup>C</sup>

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

**PEDESTRIAN WAY** <sup>C, O</sup>

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

**PENTHOUSE**

An enclosed structure above the roof of a building, other than a roof structure or bulkhead, occupying not more than 33 1/3% of the roof area.

**PERFORMANCE STANDARD <sup>C</sup>**

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

**PERSON**

Any individual, partnership, corporation, joint stock association or any City, state or any subdivision thereof; and includes any trustee, receiver, assignee or personal representative thereof.

**PERSONAL CARE**

Any establishment where cosmetology services are provided including hair care, skin care, nail care, on a regular basis for compensation.

**PERSONAL WIRELESS SERVICES**

Commercial mobile telecommunication services, cellular telephone services, specialized mobile radio services (SMR), unlicensed wireless services, and common carrier wireless exchange access services as now or hereafter defined in Title 47 United States Code, Section 332(c)(7)(C).

**PERVIOUS SURFACE <sup>O</sup>**

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

**PET CARE**

A facility providing such services as domesticated animal day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

**PHARMACY**

An establishment having at least one licensed pharmacist as owner or employee with fills prescriptions on the premise for sale, and additionally sells nonprescription drugs, medicines and medical supplies.

**PLACE OF ASSEMBLY**

A room or space accommodating five or more individuals for religious, recreational, education, political, social, or amusement purposes, or for the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. This definition shall apply only to this Code.

**~~PLACE OF OUTDOOR ASSEMBLY~~ <sup>X</sup>**

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

**PLACE OF WORSHIP <sup>C, O</sup>**

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

**PLANNED UNIT DEVELOPMENT**

A lot or lots developed as a unit under single ownership or unified control, which includes one or

more principal buildings or uses, and is processed under the planned unit development procedure of Chapter 24 of the Bloomington City Code-1960, as amended.

[...]

### **PRESERVATION COMMISSION (HISTORIC PRESERVATION COMMISSION)**

The Historic Preservation Commission for the City of Bloomington, McLean County, Illinois.

### **PRIMARY ENTRANCE**<sup>O</sup>

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

### **PRINTING, COPYING, AND MAILING SERVICES**

An establishment in which the principal business conducted consists of the retail sale of stationary products, provides printing, duplicating, packaging, and mail services, and provides mailboxes for lease.

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

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

(Reserved)

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

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

### **RADIO BROADCAST**

Traditional AM and FM radio broadcasts and shortwave or amateur radio (HAM Radio) transmissions/receptions.

[...]

### **REDEVELOPMENT.**<sup>O</sup>

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

### **REFRACTORY LINED PIT BURNER**<sup>M</sup>

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

### **REFUSE**

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

### **REFUSE DISPOSAL SERVICES**<sup>C, O</sup>

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

### **REMOVAL**

Any relocation of a structure on its site or to another site.

## REPAIR

Any change that is not construction, removal, or alteration. This would include simple and minor mending to bring an element of a structure back to its original condition. It assumes that minimal expense and effort need be incurred to complete the repair.

## REQUIRED PARKING <sup>M</sup>

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

## RESEARCH FACILITY OR LABORATORY

A building, or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

## RESTAURANT (CAFETERIA) <sup>UT,C,O</sup>

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

## RESTAURANT, CARRY-OUT

A restaurant containing seating for fewer than 10 patrons.

## RESTAURANT, OUTDOOR CUSTOMER DINING AREA

An accessory area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The area of such seating shall be included in determining the area of the restaurant.

## ~~RESTAURANT, SMALL~~ <sup>X</sup>

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

## RETAIL SALES, GENERAL <sup>C,O</sup>

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

## RETAIL SALES, OUTDOOR

An open-air establishment engaged in selling commodities or goods to ultimate customers or consumers.

## RETAINING WALL

A wall or similar device used at a grade change to hold the soil on the up-hill side of the wall from slumping, sliding, or falling, and includes but is not limited to, segmental walls, masonry walls, poured-in-place concrete walls, boulder walls, stacked railroad ties, and pre-split rock walls.

**RIDING STABLE (RIDING SCHOOL)<sup>C, O</sup>**

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

**RIGHT-OF-WAY<sup>C, O</sup>**

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

**ROADSIDE MARKET**

A structure for the display and sale of agricultural products, including value added agricultural products, grown on the site, with no space for customers within the structure itself.

**ROOFLINE<sup>O</sup>**

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

**ROOM**

An unsubdivided portion of the interior of a dwelling unit excluding bathrooms, closets, hallways, and service porches.

~~**ROOMING HOUSE<sup>M, C</sup>**~~

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

**ROOMING UNIT**

Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**ROW HOUSE**

(See "townhouse.")

**RUBBER AND PLASTIC INDUSTRIES<sup>UT</sup>**

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

**RUBBISH**

Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from burning of wood, coal, coke, and other combustible materials, paper, rags, bedding, cartons, boxes, packing materials, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

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

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

[...]

**SECONDARY MANUFACTURING ASSEMBLY PLANT**

See "manufacturing, secondary."

## SENIOR HOUSING

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

## SETBACK

Setback is the horizontal distance between the lot line and any building or structure located on such lot.

[...]

## SEXUALLY ORIENTED TOYS OR NOVELTIES

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

## ~~SHELTERED CARE HOME <sup>X</sup>~~

~~A boarding home, institution, building, residence, or other place which, through its ownership or management, provides sheltered care to three or more adults who are not related to the operator or owner by blood or marriage.~~

## SHOPPING CENTERS

A unified group of commercial establishments including office, retail, service, small and carry-out restaurants, or similar permitted uses, sharing a common building or buildings, off-street plaza, site access, signage and/or parking area to which such commercial establishments are oriented on a site of not less than three acres.

## SIDEWALK

That portion of a public right-of-way or pedestrian way improved and designated for pedestrian use and other approved users as defined by Bloomington City Code, 1960, as amended.

## **SIGN**

See Chapter 3 of the Bloomington City Code, 1960, as amended.

## **SOLID WASTE DISPOSAL AREA** <sup>C, O</sup>

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

## **SPECIAL USE**

A specific use of land or buildings or both described and permitted herein subject to special provisions and which because of its unique characteristics cannot be properly classified as a permitted use.

## **SPECIALTY FOOD SHOP** <sup>C, O</sup>

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

## **SPECIFIED ANATOMICAL AREAS**

- A. Less than completely and opaquely covered: human genitals, human pubic region, human buttocks, and human female breast below a point immediately above the top of areola; and/or
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

[...]

## **STRUCTURE**

Anything that is built or constructed, including but not limited to, any useable, permanent, in place device or appliance within the lot making a projection of six inches or more above grade and having a base area greater than 12 square feet. This does not, however, exclude such underground or surface structures such as tunnels, future foundations, or swimming pools in whole or in part below grade.

## **STUDENT RESIDENCE HALL**

See "dormitory."

## **SWIMMING CLUB** <sup>C, O</sup>

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

## **SWIMMING POOL, COMMUNITY**

Any structure that is open to the public and is intended for recreational bathing.

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

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

**TAVERN**

See "bar."

[...]

**TELEVISION STATION TOWER**

See "wireless communication facility."

**TEMPORARY STRUCTURE OR USE**<sup>O</sup>

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

**TEMPORARY BUILDING**<sup>O</sup>

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

**TERRACE**<sup>O</sup>

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

**TERMINAL**

A facility for the transfer, pick up or discharge of people and/or goods without the long-term storage of the same.

**TEXTILE MILL PRODUCTS INDUSTRIES**<sup>UT</sup>

Establishments engaged in performing any of the following operations: (1) preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage; (2) manufacturing broadwoven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; (3) dyeing and finishing fiber, yarn, fabrics, and knit apparel; (4) coating, waterproofing, or otherwise treating fabrics; (5) the integrated manufacture of knit apparel and other finished articles from yarn; and (6) the manufacture of felt goods, lace goods, non-woven fabrics, and miscellaneous textiles.

[...]

**TOURIST CAMP**

A commercial recreational facility designed, used, or intended to be used to accommodate the overnight temporary location, hookup or use of its facilities for travel trailers, camp trailers, and other major recreational equipment.

**TOWER**<sup>O</sup>

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

## **TOWING SERVICE**

A service for the relocation of a disabled, unsafe, or illegally parked motor vehicle to a place of repair or an approved facility for proper disposal.

## **TOWNHOUSE (ROWHOUSE)**

A multiple-family dwelling containing three or more attached dwelling units, each on its own lot or plot of ground and joined to one (end unit) or two (interior units) dwelling units by fire walls. Each dwelling unit shall occupy the internal space from the ground to the roof.

## **TRADE AND CONSTRUCTION SERVICES<sup>UT</sup>**

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

## **TRAILER**

Any vehicle or portable structure designed and constructed in a manner that will permit occupancy thereof, as sleeping quarters, for one or more persons (or for use as an accessory building or structure in the conduct of a business, trade, or occupation) and which is so designed and constructed that it is, or may be, mounted on wheels and used as a conveyance on City streets and highways, and which is propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

## **TRANSPARENCY<sup>O</sup>**

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

## **TREE<sup>O</sup>**

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

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

## **TRELLIS<sup>O</sup>**

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

[...]

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

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

**UNIFIED CONTROL**

The combination of two or more tracts of land wherein each owner has agreed by written agreement to allow the use and development of their tracts as a single lot under the provisions of Chapter 24 of the Bloomington City Code, 1990, as amended, for Planned Unit Developments.

[...]

**UTILITY**

A use category for public and private services providing essential services such as water, electric power, and heating systems, and wireless communication facilities.

- A. Electrical substation, communications switch facilities, central heating, and cooling plant; must be enclosed by a solid wall, subject to design review approval.
- B. Essential services.
- C. Wireless communication facilities collocated.
- D. Wireless communication facilities, freestanding/tower.

**UTILITY FACILITY, MINOR** <sup>UT</sup>

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

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

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

**VARIATION**

A relaxation of the terms of this Code where such variation will not be contrary to the public interest and where a literal enforcement of the Code would result in unnecessary and undue hardship.

**VEHICLE** **[Restructure only – same language, reflect subsets]**

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

- A. **FUELING STATION** See "automobile service station."
- B. **RENTAL SERVICE** An area dedicated to the rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.
- C. **REPAIR AND SERVICE** A building, accessory building, or an accessory portion of the principal building on the premises which is intended for or being used for repair and servicing of motor vehicles or other motor-driven means of transportation, including general repair, engine rebuilding, reconditioning, and autobody services (e.g., collision service or refinishing).
- D. **SALES AND SERVICE** The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair

service conducted as an accessory use.

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

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

#### **~~VEHICLE FUELING STATION~~**

~~See "automobile service station."~~

#### **~~VEHICLE RENTAL SERVICE~~**

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

#### **~~VEHICLE REPAIR AND SERVICE~~**

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

#### **~~VEHICLE SALES AND SERVICE~~**

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

#### **~~VEHICLE SALVAGE AND WRECKING OPERATIONS~~**

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

#### **~~VEHICLE STORAGE~~**

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

#### **VETERINARY HOSPITAL**

See "animal hospital."

[...]

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

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

#### **WAREHOUSE** C, O

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

#### **WASTE**

Includes but is not limited to tin cans, combustible rubbish of any type (paper, boxes, wood, lumber, scraps and furniture), noncombustible rubbish (metals, glass, mineral waste), solid waste resulting from building construction or demolition, waste food, offal, swill, carrion, residual or waste animal or vegetable materials resulting from handling, storage or cooking.

[...]

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

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

(Reserved)

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

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

**YARD** **[Restructure – reflects subsets]** <sup>C</sup>

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

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

**YARD, FRONT**

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

**YARD, REAR**

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

**YARD, SIDE**

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

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

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

[...]

**ZONING DISTRICT**

A section or sections of incorporated territory of the City for which the regulations and requirements governing use, lot and bulk or buildings and premises are uniform.

**ZOO** <sup>C, O</sup>

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

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment K - Administrative Procedures and Enforcement (Article XVII) Red-Line

**Article XVII Administrative Procedures and Enforcement**

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

- A. Forms. Applications for the procedures established under this section shall be submitted on application forms and in such numbers as required by the applicable review official or review body. The application form for each development review procedure shall establish the minimum information required for that procedure.
- B. Proof of ownership or sufficient proprietary interest. All applications required under this section shall include proof of ownership satisfactory to the applicable review official or decision-making body. Such proof may include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property.
  - (1) Where the owner is not the applicant, the applicable review official shall require an applicant to present evidence that the applicant is a duly authorized agent of the owner or has sufficient proprietary interest, such as a contract to purchase.
- C. Property owner endorsement. All applications shall include the name and signature of the current property owner(s) of all property within the boundaries; or
- D. Filing fees.
  - (1) All applications shall be accompanied by the associated filing fee as set forth in Chapter 1, § 1-125, "Schedule of Fees" and shall be filed with the Economic and Community Development Department. **[Amended 10-26-2020 by Ord. No. 2020-69]**
  - (2) Each application shall be accompanied by ~~a check, payable to the City of Bloomington, or a cash~~ payment; to cover the cost of publication, posting, and hearings. Each application shall also be accompanied by a payment to cover the cost of publishing any public notices.

[...]

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

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

[...]

- D. Concurrent applications. ~~If variations to the bulk, sign and off-street parking and loading regulations of this Code would otherwise be necessary for the development proposal, such proposal shall be exempt from the administrative public hearing on the variation request and such review procedure shall be deemed to occur simultaneously with the Planning Commission's review of the plan.~~ Land uses proposed to be included in a development requiring a legislative public hearing site plan review, which would otherwise be allowed by special use permit only, are exempted from the ~~administrative public hearing normally required for such special use permit applications and~~ during site plan review and the subject public hearing, the Planning Commission shall consider the standards for granting a special use and make their findings of fact as part of a recommendation to the City Council on the granting of such site plan approval ~~and special use, and variation and the legislative public hearing.~~
- E. Site plan review requiring legislative public hearing. Applications for site plan review required pursuant to § 44-505 shall require a legislative public hearing.

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

[...]

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

[...]

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

- A. Applicability. Except for historic landmarks and buildings located in a historic district, buildings shall be subject to the requirements of this section where:
  - (1) The proposed demolition exceeds 500 square feet of gross floor area; and
  - (2) The building was constructed more than 50 years before the date of the application for a demolition permit, as determined on the basis of available records.
- B. Administrative review of demolition. Upon receipt of an application for a demolition permit, or a building permit involving demolition, the Director of Economic and Community Development shall review the application to determine if the building meets the criteria of Subsection A. If it does, the Director of Economic and Community Development shall:
  - (1) Notify the applicant in writing within five ten business days that the application for demolition must be reviewed before proceeding.
  - (2) Within five ten business days, forward a copy of the application to the Preservation Commission chairperson and any standing committee of the Preservation Commission that is empowered to review demolition permits.
    - (a) Within five days of a receipt of the copy of the application, the chairperson or duly authorized committee shall issue a preliminary recommendation regarding the granting of the demolition permit. If a favorable recommendation is issued, the demolition permit shall be issued. If the chairperson or committee determines that the building is potentially significant pursuant to the standards of § **44-804B**, a recommendation may be made in opposition to granting the demolition permit.
    - (b) If the chairperson or committee determines that the building is potentially significant, it shall schedule an administrative public hearing before the Preservation Commission to consider the building's historical or architectural significance. Said hearing shall be conducted within 35 45 days of initial submittal of the permit application. The City shall give notice in the manner prescribed by § **44-1705**.

**DATE:** September 7, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment L – Residential Definitions (Article XVI) Red-Line

Changes to definitions that occurred during the Zoning Code update of 2019—independently of changes intentionally made to the Tables of Permitted and Special Uses—removed the ability to construct dwelling types that are commonly referred to as “Missing Middle Housing.” Many of these house-scale buildings, compatible in scale and form with detached single-family homes, but with multiple units already exist in our community and could be constructed prior to the Code update. These buildings include side-by-side duplexes, stacked duplexes, and townhouses and are currently scattered throughout Bloomington’s older, historic neighborhoods and newer subdivisions. This memo provides graphic descriptions of each housing style, for reference, as well as proposed text amendments that would allow the construction of “missing middle” dwelling types, when permitted within a Zoning District through the Use Table(s).

In addition, forms of these dwellings that straddle multiple parcels (property lines) are currently not accommodated in our Code but were constructable under the prior code. Options for addressing split-lot duplexes and townhomes have been provided for consideration.

**PROPOSED AMENDMENTS TO DWELLING DEFINITIONS (ARTICLE XVI)**

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

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

[...]

**DWELLING**

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

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

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

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

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

**D. MULTIPLE-FAMILY**

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

**DWELLING UNIT, ATTACHED**

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

**~~DWELLING UNIT, DETACHED~~**

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

**~~DWELLING UNIT, MULTIPLE-FAMILY~~**

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

**~~DWELLING UNIT, SINGLE-FAMILY~~**

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

**~~DWELLING UNIT, SINGLE-FAMILY ATTACHED~~**

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

**~~DWELLING UNIT, TWO-FAMILY (DUPLEX)~~**

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

**DWELLING UNIT**

One or more rooms arranged or designed for the use of one family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities in a self-contained unit, so that access to the street and any additional facilities (such as laundry, heating units, etc.) can be gained without passing through any other residential or commercial unit.

**DWELLING UNIT, ACCESSORY**

A residential dwelling unit, excluding mobile or manufactured homes, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.

**DWELLING, CONVERSION, TWO-FAMILY (2 UNITS)**

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

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

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

[...]

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

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

**TOWING SERVICE**

A service for the relocation of a disabled, unsafe, or illegally parked motor vehicle to a place of repair or an approved facility for proper disposal.

[...]

**TOWNHOUSE** See "Dwelling, Single-Family Attached."

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

**PROPOSED AMENDMENTS TO ADDRESS SPLIT-LOT DUPLEXES AND TOWNHOMES**

**Option 1 – Use provisions**

Use provisions may be added for Two-Family and Single-Family Attached dwelling types, similar to how provisions were created for Conversion dwelling types. This is most similar to how “Zero Lot Line Houses” were treated in the previous code. Retaining Special Use indication for the Districts that currently require it is **not overly-burdensome, while still inviting public participation.**

- Use provisions with additional requirement for structure separation with exemption from the interior side yard requirement at party walls.
- Special Use Permit (public hearing at Zoning Board of Appeals) for appropriate Districts

Table 402A: Residential Districts - Permitted and Special Uses										
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
<b>RESIDENTIAL</b>										
<b>Household Living</b>										
Dwelling <b>Unit</b> , Single-Family	P	P	P	P	P	P	P		P	
Dwelling <b>Unit</b> , Single-Family Attached					S	P	P		P	<a href="#">§ 44-1046</a>
Dwelling <b>Unit</b> , Two-Family			S	S	P	P	P		P	<a href="#">§ 44-1046</a>
Dwelling <b>Unit</b> , Multiple-Family					S	P	P		P	
Dwelling <b>Unit</b> , Multiple-Family Conversion (2 units)					S				P	§ 44-1040
Dwelling <b>Unit</b> , Multiple-Family Conversion (3+ units)					S				S	§ 44-1040

**[§ 44-1046 \[Ch. 44, Sec. 10-46\] Two-Family and Single-Family Attached Dwellings](#)**

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

**Option 2 – Waivers with platting**

Notes may be added to the Bulk/Site tables of each Zoning District where the uses are allowed, such that “Two-Family, platted as such” and “Single-Family Attached, platted as such,” are not subject to the interior side yard requirement at party walls. Multiple public hearing processes required **may be overly-burdensome in Districts that require Special Use.**

- Amended preliminary plan (public hearing at Planning Commission)
- Final Plat with waiver for required interior side yard
- Special Use Permit (public hearing at Zoning Board of Appeals) for appropriate Districts

Table 403A: Bulk and Site Standards R-1 Districts								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard <sup>2</sup> (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (square feet)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories

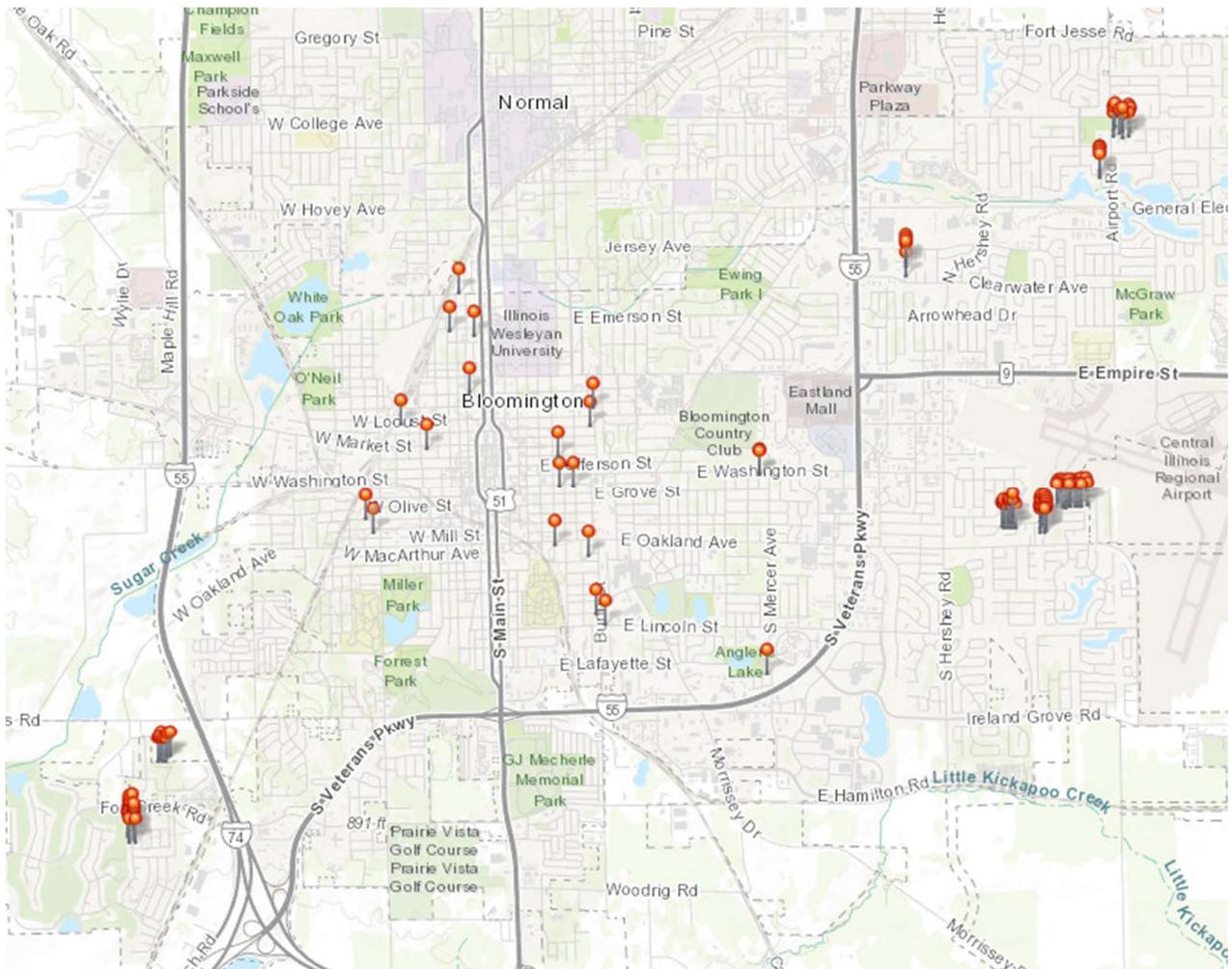
[2. “Two-Family, platted as such” and “Single-Family Attached, platted as such,” are not subject to required side-yard minimums at interior lot lines.](#)

### Option 3 – Variances for required yards

A Variance to the required side-yard could be required for each structure developed with shared party walls at a lot line. For reconstruction of existing dwellings this is a practical alternative, but as the standards for granting a Variance require that property has unique characteristics that create a hardship that is not self-imposed, **most new development would not meet the criteria for granting a Variance.**

- Variance (public hearing at Zoning Board of Appeals), for which Staff would typically be required to recommend denial.
- No text amendments required.

### SAMPLE DISTRIBUTION OF EXISTING DUPLEXES (STACKED AND SIDE-BY-SIDE)



While **this map is far from inclusive** of the true number of locations where Duplex building types currently exist in Bloomington, it does provide insight into the wide variety of ages, locations, and types of neighborhoods where this building type has previously been developed. In older neighborhoods duplexes tend to be interspersed with single-family and other multi-family dwellings, while newer neighborhoods trend toward the intentional development of duplex communities.

Particularly in southwest Bloomington, newer neighborhoods were intentionally designed for this building type and remain partially undeveloped. As residential development has picked up in the past year, owners and developers of these and other areas have encountered complications that prevent them from constructing in a manner that is consistent with the surrounding existing homes.

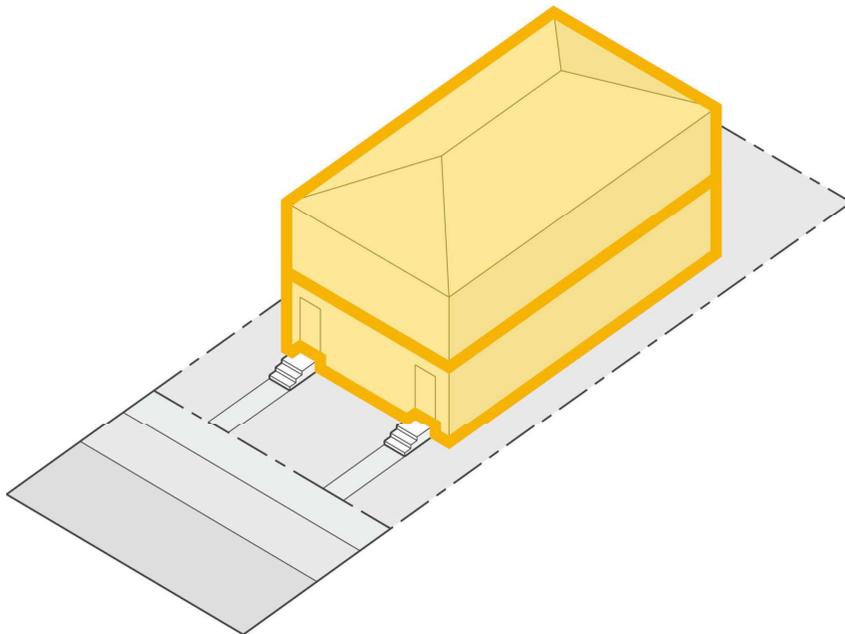
## “MISSING MIDDLE” STRUCTURE TYPES PREVIOUSLY PERMITTED

### *DUPLEX: STACKED*

A small (2 to 2.5-story), detached structure that consists of two dwelling units arranged one above the other, each with an entry from the street. This type has the appearance of a small-to-medium single-unit house, may include a rear yard and fits on narrower lots than the side-by-side duplex.

This type of duplex occurs on a single lot, with the underlying land is in shared ownership between the two dwelling units that make up the building. It can have separate entrances that distinguish it from surrounding single-family homes, or a shared entrance that makes it practically indistinguishable from a single-family home. This form of duplex is common throughout Bloomington’s older neighborhoods, usually interspersed with single-family homes.

### *Conceptual (Opticos Design)*



### *Real-Life Examples*



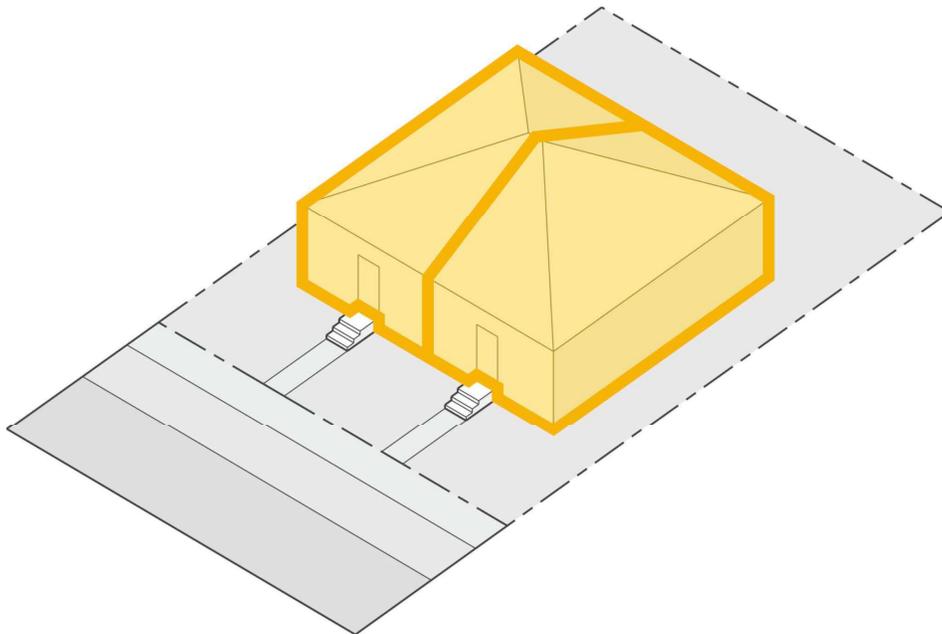
*DUPLEX: SIDE-BY-SIDE*

A small (1 to 2-story), detached structure that consists of two dwelling units arranged side-by-side, each with an entry from the street. This type has the appearance of a small-to-medium single-unit house and may include a rear yard.

This type can occur on a single lot, with the underlying land is in shared ownership between the two dwelling units that make up the building. This form of the side-by-side duplex is typically referred to as a “Condo, but can also be a single-owner rental, or partial-rental.

This type of duplex can also straddle the lot line of two separate parcels, with the dwelling unit and the underlying land in different ownership for each dwelling unit, and only the party wall as common. This version of the side-by-side duplex is common in Bloomington, including newer, completed and partially-built, subdivisions intentionally designed to provide this housing type.

*Conceptual (Opticos Design)*



*Real-Life Examples*

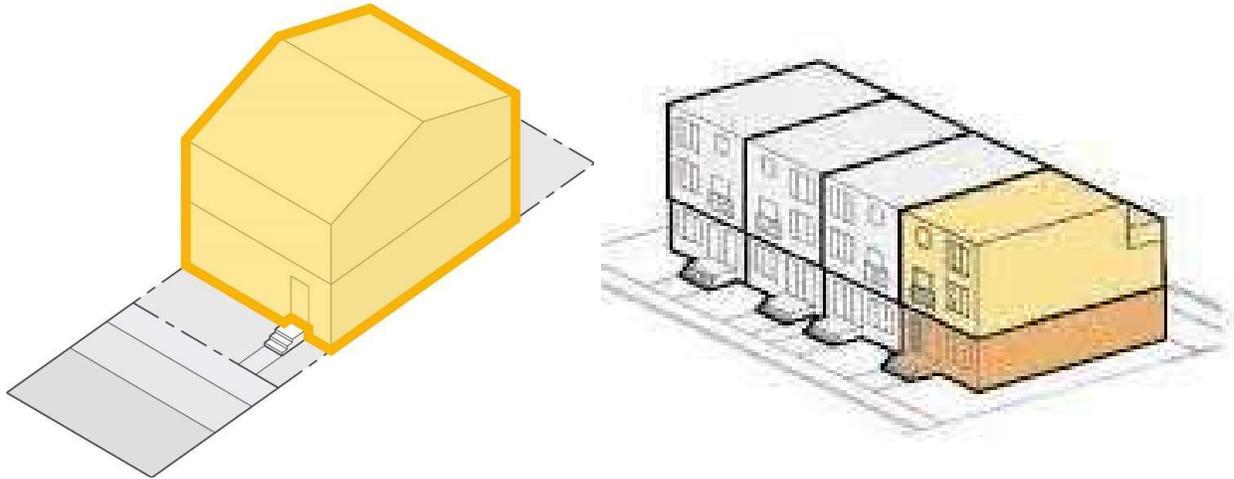


*SINGLE-FAMILY ATTACHED (TOWNHOUSE, ROWHOUSE)*

A small-to medium-sized attached structure that consists of 2 to 16 multi-story dwelling units placed side-by-side. Entries are on the narrow side of the unit and typically face a street or courtyard. The street façades have entrances and avoid garages.

This form of multi-family development can be individually owned, with lot lines drawn at the party walls between dwelling units, or owned via condo association, like The Bloomingtonian (pictured below).

*Conceptual (Opticos Design)*



*Real-Life Examples*

