



**AGENDA  
SPECIAL SESSION  
PLANNING COMMISSION MEETING  
BLOOMINGTON POLICE DEPARTMENT, OSBORN ROOM  
305 S. EAST STREET, BLOOMINGTON, IL 61701  
THURSDAY, OCTOBER 6, 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.

**MINUTES**

Review and approval of the minutes of the September 7, 2022, Regular Meeting of the Planning Commission.

4. **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 November 2, 2022, Regular Meeting.*
- b) **PR-09-22** Public hearing, review and action on a petition submitted by Christopher Enright of Enright Architects requesting approval of a Legislative Site Plan with a Special Use, and potential variances, for the property located at 1501 N. Veterans Parkway. PIN: 14-35-203-005. (Ward 5).
- c) **PR-10-22** Public hearing, review and action on a petition submitted by James A. Shirk of Sunrise Company, L.L.C. requesting approval of a Legislative Site Plan, with potential variances, for the property generally located at the intersection of Woodrig Road and Breezewood Boulevard. PIN: 21-21-201-012. (Ward 2).
- 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, SEPTEMBER 7, 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, September 7, 2022, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic and Community Development Director

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

**ROLL CALL**

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

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

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

## MINUTES

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

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

## PUBLIC COMMENT

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

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

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

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removing screening requirements is in accordance with the zoning code. She hopes the Commission will find a way to discuss this.

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

## **REGULAR AGENDA**

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

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

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

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

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

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

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

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

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

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

There was no public comment.

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

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

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

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

Mr. Branham noted the legislative site plan is not a full site plan review as the building is existing. The request is being made because the proposed drive-through resulted in decreasing the number of off-street parking areas by 20% or more. Additionally, the location of the drive-through would normally require a variance, but the City's Code allows the Commission to approve the location as part of the site plan review. A parking analysis was performed, and sufficient parking still exists to meet code requirements for existing and future tenants. The

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proposed tenant, Chicken Salad Chick will occupy roughly 2,000 square feet. In addition to the petitioner the building has one other tenant. There are currently two vacant spaces. The building is existing and has provided adequate screening and landscaping per required by code. Mr. Branham noted that sidewalks have been added.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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the three options before them. Ms. Pemberton expounded upon and clarified a couple of details.

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

Mr. Wetterow stated the Commission could decide which option they preferred for language related to attached housing, and then formally make a motion to adopt the text amendments. Chairperson Mohr proposed the motion could include the option the Commission decided to go with while adopting the overall text amendments. Mr. Wetterow stated that would be acceptable. Mr. Boyle stated this would be ok, but reminded the Chairperson to be as specific as possible in the motion. Mr. Boyle asked if this motion was going before City Council for approval. Mr. Wetterow responded in the affirmative. Mr. Wetterow noted there a still a few more text amendments staff would like to bring before the Commission and once the Commission has voted on those, then staff will take all of the text amendments as a single request to the City Council for approval.

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

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

Commissioner Krieger left the meeting at 5:00pm.

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

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

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

Chairperson Mohr had a few clarify questions.

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

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

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

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

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

No further questions from the Commission.

The Chairperson opened the public hearing.

**Neil Finlen (Farnsworth Group, 2709 McGraw Drive)** thanked staff for working on these text amendments as it was a surprise to all to find out some of these changes that were made with the 2019 revisions. Mr. Finlen wanted to address the implications this has for the R-2 zoning, in that it allows two to three subdivision that were held in abeyance to now proceed forward once these amendments are adopted. Mr. Finlen not that as Chair of the Economic Development Counsel on Real Estate Committee and this group is very keen on the need for all forms of housing. By again permitting attached housing, like zero-lot-line duplex development, a level

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of affordable housing is being restored and will allow the City to grow at the pace it needs to. He appreciates the idea of simplicity and allowing uses to be permitted as they were before, especially in the R-2 zoning district. Mr. Wetterow noted the proposed text amendments do just that as single-family attached would now fall under two-family.

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

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

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

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

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

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

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

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

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

#### **OLD BUSINESS**

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

#### **NEW BUSINESS**

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

#### **ADJOURNMENT**

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

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## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** October 6, 2022

**CASE NO:** PR-09-22, Site Plan Review

**REQUEST:** Public hearing, review, and action on a petition submitted by Chris Enright, Enright Architects, requesting approval of a Site Plan (and Special Use) to allow a Vehicle Repair & Service use in the B-1 (General Commercial) District with a Variance for the property located at 1501 N Veterans Parkway, in Bloomington (PIN: 14-35-203-005) (Ward 5).

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### BACKGROUND

#### *Petitioners' Request:*

The petitioner is requesting a Legislative Site Plan Review (and Special Use) with a Variance, to develop a Vehicle Repair and Service use at the subject property. Vehicle Repair and Service is identified as a Special Use in the B-1 (General Commercial) District.

The petitioner is proposing to construct a 10,000 square foot Belle Tire facility including ten service bays and associated vehicle parking at the site. The facility is proposed at 24 feet in height, which exceeds the 20-foot height requirement for Vehicle Repair and Service uses. The variance request is to allow the increased height. All other bulk requirements have been met. Pedestrian access to the site is limited as it terminates near the site entry on Keaton Place. Bicycle parking is not identified but is not required due to the use being exclusively oriented towards motor vehicles.

#### *Property Characteristics:*

The subject property consists of roughly 2.3 acres of land located near the southeastern intersection of Veterans Parkway and G.E. Road in Bloomington. The property is accessible via Keaton Place which connects directly with G.E. Road. Previously, a restaurant occupied the site, but has been vacant for the past several years. The surrounding properties consist primarily of commercial zoning districts. There is also a vacant manufacturing district property located directly to the east of the site. The surrounding uses also consist primarily of commercial uses.

#### *Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, September 19, 2022. Courtesy notices were mailed to 18 property owners within 500 feet of the subject property.

*Surrounding Zoning and Land Uses*

	<b>Zoning</b>	<b>Land Uses</b>
North	B-1, (General Commercial)	Restaurant
South	B-1, (General Commercial)	Shopping Center
East	M-1, (Restricted Manufacturing)	Manufacturing (Vacant Bldg.)
West	B-1, (General Commercial)	Office / Retail

**ANALYSIS**

*Compliance with the Comprehensive Plan*

The subject property is identified as Tier 1-Infill Redevelopment Priority. The Future Land Use map identifies the site as Regional Commercial. Approval of the Site Plan aligns with the following goals of the Comprehensive Plan: Goal N-1 (Enhance the livability of all Bloomington neighborhoods), and Goal ED -4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City).

**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 meet all bulk requirements for B-1 zoning. The parking lot meets 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 use will not have any adverse impacts on the development of adjoining land. The use is a special use within the zoning 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 by and directly situated on Keaton Place. All curb cuts and aprons at the site are existing and will 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 zoned commercial or manufacturing. The uses are primarily commercial. A vehicle repair and service at the proposed site would be complementary to the existing surrounding uses. **Standard is met.**

#### **ADDITIONAL STANDARDS FOR REVIEW - VEHICLE REPAIR & SERVICE**

*Ch. 44. 10-34, Vehicle repair and service, provides additional minimum site and bulk standards for the siting and development of any vehicle repair and service facility:*

A. Location. Not more than two automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than 120 feet of a Residential District boundary.

B. Site standards.

(1) No curb cuts shall be permitted within 10 feet of a side lot line or 20 feet of a street intersection.

(2) Any area where inoperative vehicles are intended to be stored for a period of more than 10 days shall be fully screened in accordance with Article XIII of this Code to prevent such vehicles from being viewed from a public street or area.

(3) All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building.

C. The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations.

D. Outdoor lighting. In addition to the standards of § 44-911, all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle.

E. Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower.

F. The following minimum site and bulk standards shall be required for the siting and development of any automobile service station.

*Table 1034: Automobile Service Station Site and Bulk Standards*

Lot Standards

Min. Lot Area - 10,000 square feet

Min. Lot Width - 70 feet

Site Design Standards

Front Yard - 40 feet

Side Yard - 15 feet

Rear Yard - 20 feet

\*Item E, Building height, has not been met as the applicant is proposing buildings with a height of 24 feet, rather than the required 20-feet. All other standards have been met.

#### **ADDITIONAL REQUESTS - SPECIAL USE**

##### *Ch 44, 17-9-D, Concurrent Applications*

The applicant has requested a Special Use as part of the application, in accordance with Ch. 17, 17-9-D of the Site Plan Review process. Land uses proposed to be included in a development requiring a legislative public hearing site plan review which would otherwise be allowed by Special Use Permit only are exempted from the administrative public hearing normally required for such Special Use Permit applications and the Planning Commission shall consider the standards for granting a special use.

The requested special use, therefore, is subject to the standards for granting a special use (Chapter 44, 17-7).

##### *Ch. 44, 17-7 Special uses.*

For each Special Use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless all of the following factors are found:

- 1. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The request involves the establishment of a vehicle repair and service use at the site. The proposed use is consistent to how the surrounding property has historically been developed with other commercial uses. **Standard is met.**

- 2. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The site design and use are consistent with other development in the direct area and should not impact property values. **Standard is met.**

- 3. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

Several other vehicle-oriented uses exist in the direct area. The vehicle repair and service will be developed in accordance with zoning bulk requirements and will not impede adjacent properties. **Standard is met.**

- 4. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

Building code and engineering requirements, including review of all utilities and drainage, and will be thoroughly reviewed through the permit process. **Standard is met.**

5. **That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

The vehicular access points are existing to the site and should not negatively affect traffic in the area. **Standard is met.**

6. **That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137).**

The proposed Special Use is subject to, and adherent, with the regulations of the B-1 District. Other applicable site plan development standards including off-street parking, landscape and lighting will be addressed with building permits. **Standard is met.**

#### **ADDITIONAL REQUESTS - VARIANCE**

##### *Ch 44, 17-9-D, Concurrent Applications (Variances)*

The applicant has requested Variances as part of the application, in accordance with Ch. 17, 17-9-D of the site plan review process. The requests are as follows:

The petitioner seeks a Variance from §44-1034-E (Vehicle repair and service - building height), to allow construction of buildings at 24 feet. §44-1034-E states, "The maximum permitted building height shall be 20-feet or one story, whichever is lower."

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

The site has been vacant for several years and will require redevelopment of the entire site. The new building will be an additional four feet of height to allow for the function of the vehicle repair facility and is consistent with standard industry design. **Standard is met.**

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

The variance is required due to the nature of the request to not meet the 20-foot height required by the Code and redevelop the site. **Standard is met.**

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

No special conditions or circumstances were created by the applicant in this situation. **Standard is met.**

4. That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.

No special privilege has been given to the applicant in this situation. Standard is met.

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

There is no expected potential negative impact to the public welfare. The variance would not be expected to alter the character of the neighborhood, nor impair the use or development of adjoining properties. Standard is met.

### STAFF RECOMMENDATION

Staff finds that the application meets the standards for site plan review and recommends its approval. Staff recommends that the Commission take the following actions:

1. Motion to establish findings of fact that the subject property meets the Legislative Site Plan Review criteria in Chapter 44.17-9 of the City Code and recommend that City Council approve a Site Plan for the property located at 1501 N Veterans Parkway (PIN: 14-35-203-005) (Ward 5).
2. Motion to establish findings of fact that the subject property meets the Special Use criteria in Chapter 44, 17-7 of the City Code and recommend that City Council approve a Special Use to allow a Vehicle Repair & Service use in the B-1 (General Commercial) District for the property located at 1501 N Veterans Parkway (PIN: 14-35-203-005) (Ward 5).
3. Motion to establish findings of fact that the subject property meets the Variance criteria in Chapter 44, 17-9-D of the City Code recommend that the City Council approve a Variance associated with this site plan, to allow construction of the building at 24 feet, which exceed the 20-foot height requirement for the property located at 1501 N Veterans Parkway (PIN: 14-35-203-005) (Ward 5).

Respectfully submitted,  
Jon Branham  
City Planner

#### Attachments:

- Draft ordinance
- Building Plans
- Aerial map
- Zoning map
- Neighborhood notice and map

ORDINANCE NO. 2022-\_\_\_\_\_

**AN ORDINANCE APPROVING A SITE PLAN (AND SPECIAL USE) FOR A VEHICLE REPAIR AND SERVICE USE, WITH A VARIANCE, IN THE B-1 (GENERAL COMMERCIAL) DISTRICT FOR PROPERTY LOCATED AT 1501 N. VETERANS PARKWAY**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting approval of a Site Plan (and Special Use) for a Vehicle Repair and Service Use, with a Variance, in the B-1 (General Commercial) District, for the property located at 1501 N. Veterans Parkway, legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit “B” and hereinafter referred to as “Plan”; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Planning Commission, following said public hearing, made findings of fact that such Site Plan meets the standards for granting Site Plan approval set forth in Bloomington City Code § 44-1709; and

WHEREAS, the Bloomington Planning Commission voted to recommend that the City Council pass this Ordinance; and

WHEREAS, the City Council of the City of Bloomington has the power to adopt this Ordinance and allow this Site Plan.

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

**Section 1.** The above recitals are incorporated herein by this reference as if specifically stated in full.

**Section 2.** That the Site Plan for a Vehicle Repair and Service Use in the B-1 (General Commercial) District, for the property at 1501 N. Veterans Parkway, legally described in Exhibit “A”, is hereby approved.

**Section 3.** The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

**Section 4.** This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

**Section 5.** This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 24<sup>th</sup> day of October 2022.

APPROVED this \_\_\_\_\_ day of October 2022.

**CITY OF BLOOMINGTON**

**ATTEST**

\_\_\_\_\_  
Mboka Mwilambwe, Mayor

\_\_\_\_\_  
Leslie Smith-Yocum, City Clerk

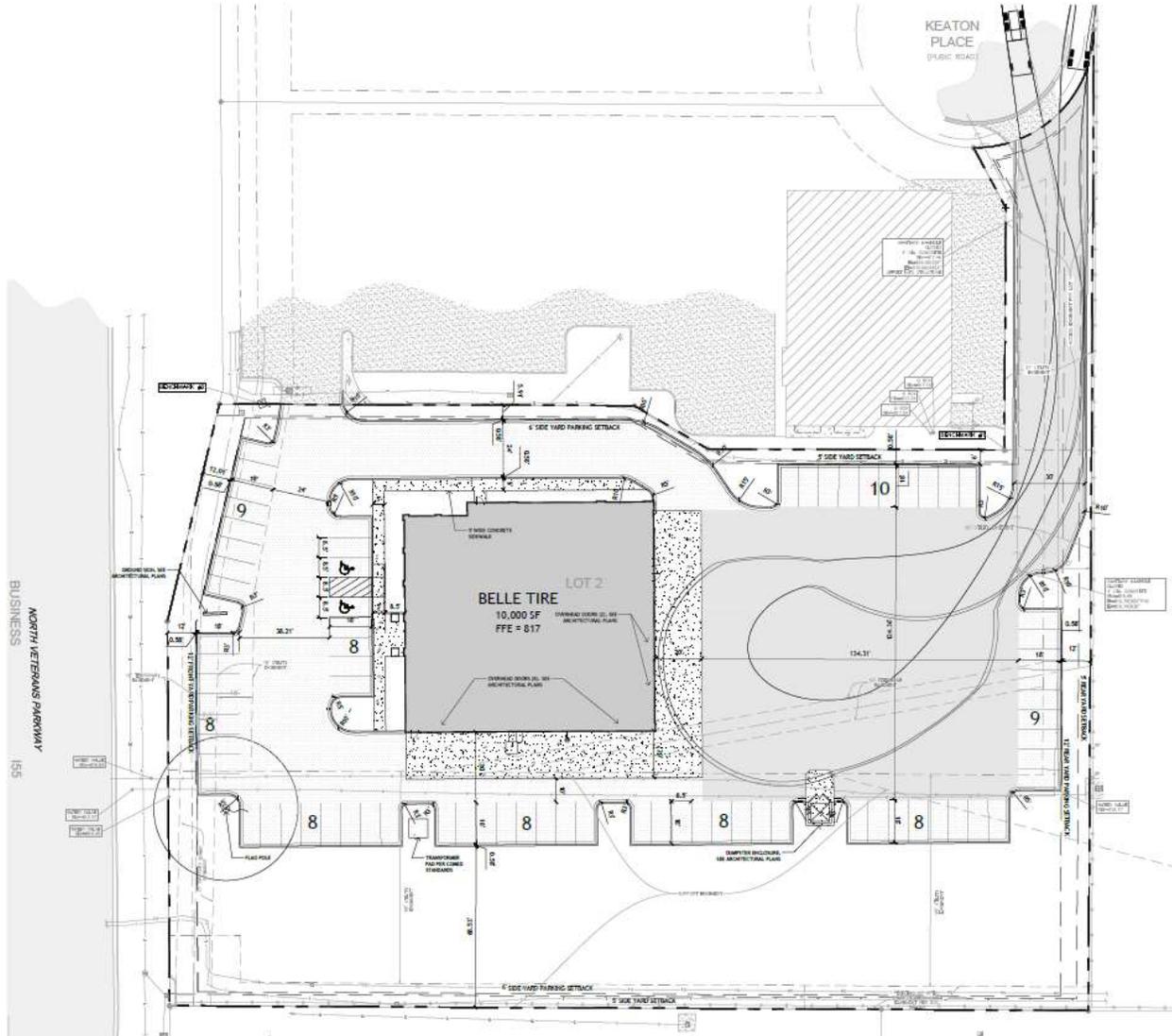
## EXHIBIT A

### **Legal Description**

Lot 2 in H.O.S. Subdivision, being a Resubdivision of Lot 2 in O'Brien Subdivision, in a part of Section 35, Township 24 North, Range 2 East of the Third Principal Meridian, according to the Plat thereof recorded December 18, 1998 as Document No. 98-42987, in the City of Bloomington, McLean County, Illinois.

PIN: 14-35-203-005

# EXHIBIT B



SITE PLAN REVIEW CIVIL PLANS FOR

# BELLE TIRE

1501 NORTH VETERANS PARKWAY  
 CITY OF BLOOMINGTON TOWNSHIP, MCLEAN COUNTY, ILLINOIS  
 S35 TZ4N RZE



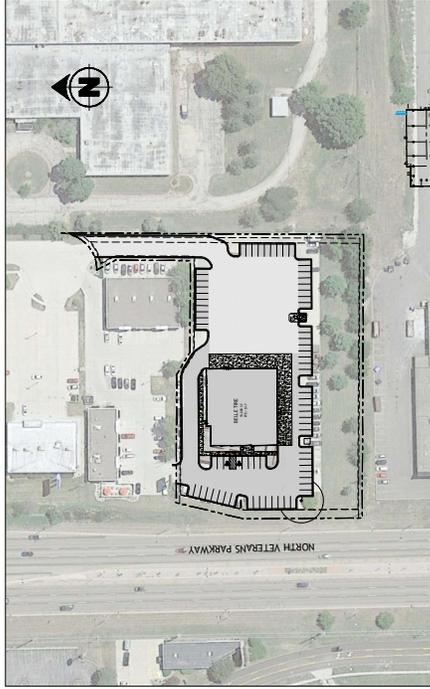
VICINITY MAP  
NO SCALE

**PROJECT TEAM**

**OWNER/DEVELOPER/APPLICANT**  
 CHRISTOPHER ERRIGHT ARCHITECTS  
 628 E. PARENT AVE. SUITE 106  
 ROYAL OAK, MI 48067  
 CONTACT: CHRIS ERRIGHT, NCARB  
 PHONE: 248.258.6485

**ARCHITECT**  
 CHRISTOPHER ERRIGHT ARCHITECTS  
 628 E. PARENT AVE. SUITE 106  
 ROYAL OAK, MI 48067  
 CONTACT: CHRIS ERRIGHT, NCARB  
 PHONE: 248.258.6485

**LANDSCAPE ARCHITECT**  
 LLS WORKSHOP  
 2324 W. ARMITAGE AVE.  
 CHICAGO, IL 60647  
 PHONE: 773.697.4388



LOCATION MAP  
NO SCALE

**LEGAL DESCRIPTION**

LOT 2, 11th U.S. SUBDIVISION, BEING A REGULAR BLOCK OF LOT 2 IN ORDER SUBDIVISION, IN A PART OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 2 EAST BLOOMINGTON, ILLINOIS, BEING THE PORT THEREOF RECORDED DECEMBER 10, 1996 AS DOCUMENT NO. 99-02567 IN THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS.

ADD/REV NO.	DATE	SHEET NUMBER	SHEET TITLE
	8/19/2022	C-000	COVER SHEET
	6/29/2022	1 OF 3	ALTA/NSPS LAND TITLE SURVEY
	6/29/2022	2 OF 3	ALTA/NSPS LAND TITLE SURVEY
	6/29/2022	3 OF 3	ALTA/NSPS LAND TITLE SURVEY
	8/19/2022	C-200	SITE PLAN
	8/19/2022	C-300	GRADING PLAN
	8/19/2022	C-400	UTILITY PLAN
	8/19/2022	L-1	TREE PROTECTION & REMOVAL PLAN
	8/19/2022	L-2	LANDSCAPE PLAN
	8/19/2022	L-3	LANDSCAPE DETAILS & NOTES
	8/19/2022	1 OF 1	PHOTOMETRICS PLAN

**Compass Landmark Associates**  
 4400 S. STATE STREET, SUITE 100  
 BLOOMINGTON, IL 61704  
 TEL: 309.434.2626  
 FAX: 309.434.2627  
 248.330.7995 (C)  
 cma@compasslandmark.com

Belle Tire  
 Bloomington, IL

1501 N Veterans Pkwy  
 Bloomington, IL 61704

**COVER SHEET**

DATE: 8/19/2022  
 TIME: 10:30 AM  
 PROJECT: BELLE TIRE  
 SHEET: C-000

**AGENCY/UTILITY CONTACTS**

**CITY OF BLOOMINGTON**  
 ECONOMIC & COMMUNITY DEVELOPMENT:  
 115 EAST WASHINGTON ST., SUITE 201  
 BLOOMINGTON, IL 61701  
 CITY PLANNER  
 GWETTEROW@CITYBIA.ORG  
 309.434.2341

**CITY WATER DIVISION/PUBLIC WORKS**  
 603 WEST DIVISION STREET  
 BLOOMINGTON, IL 61701  
 CIVIL ENGINEER - WATER  
 RIBERNADO@CITYBIA.ORG  
 309.434.2225

**CIVIL ENGINEERING/PUBLIC WORKS:**  
 115 EAST WASHINGTON ST., 3RD FLOOR  
 BLOOMINGTON, IL 61701  
 CHAS SHONKWIILER  
 SHONKWIILER@CITYBIA.ORG  
 309.434.2225

**SANITARY SEWER PROVIDER**  
 BLOOMINGTON NORMAL WATER RECLAMATION DISTRICT  
 800 WEST DIVISION AVENUE  
 BLOOMINGTON, IL 61701  
 DUANE LINDEMAN, PE  
 DISTRICT ENGINEER  
 LINDEMAN@BWMRD.ORG  
 309.827.4396

**FIRE DEPARTMENT**  
 BLOOMINGTON FIRE DEPARTMENT  
 603 W DIVISION ST.  
 BLOOMINGTON, IL 61701  
 JEFFREY C. HOFF  
 FIRE CHIEF  
 309.434.2626  
 ENR51@CITYBIA.ORG

**UTILITIES**  
 BLOOMINGTON TOWNSHIP WATER DISTRICT  
 1717 FT DUNK DR., SUITE C  
 BLOOMINGTON, IL 61704  
 TRANK COTTRELL  
 DISTRICT MANAGER  
 309.823.0211

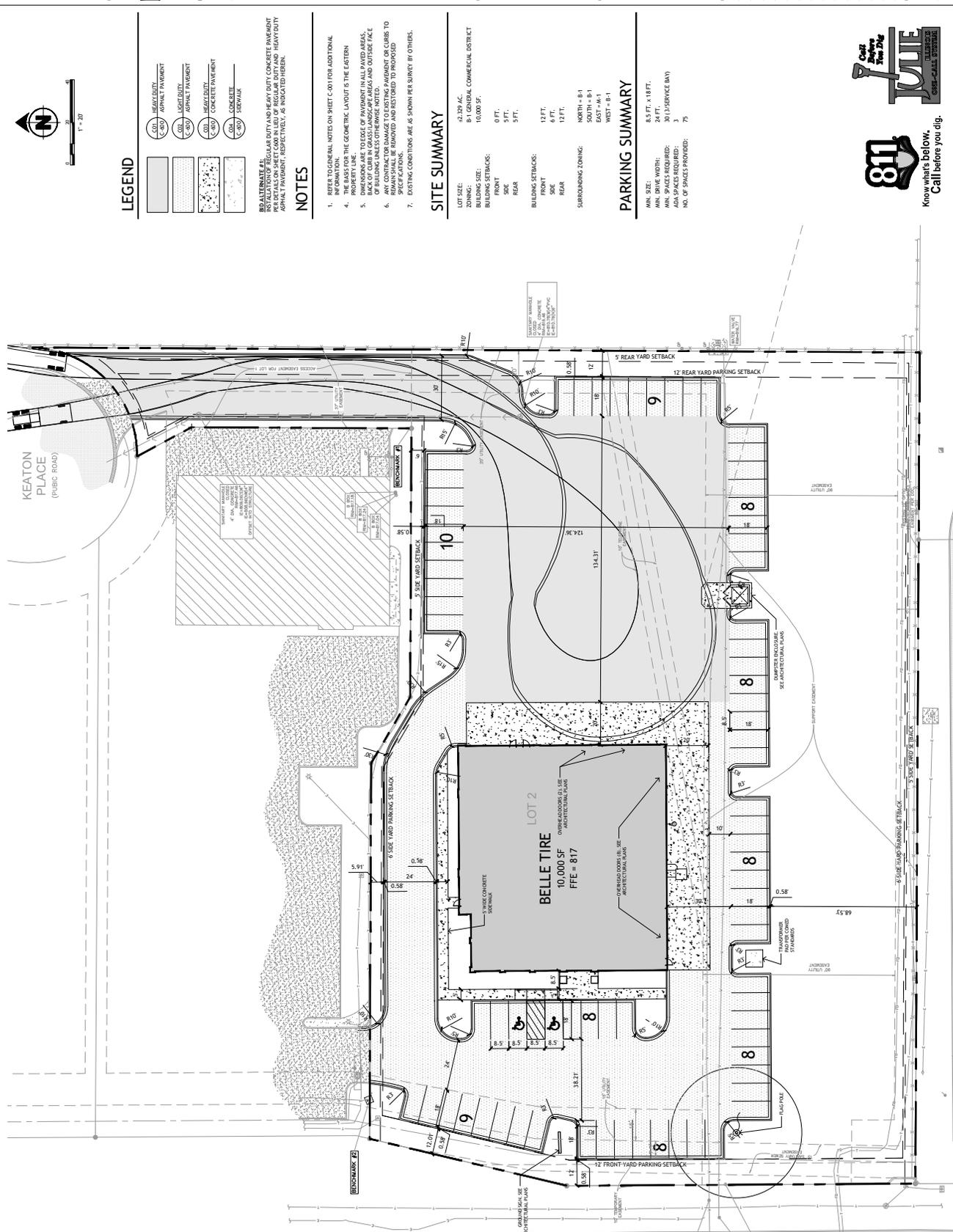
**GAS:**  
 NCCOR  
 BRUCE KOPPAN  
 630.388.3046  
 BUCKLEUP.ENERGY@BUCKLEUP.ENERGY.COM

**EL/ET/ES:**  
 AMEREN ELECTRIC  
 DEAN THOMPSON  
 DTHOMPSON@AMEREN.COM  
 309.823.9227

**TELECOM:**  
 COMCAST  
 JOHN NEUBUR@COMCAST.COM  
 224.229.5454

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 811-4-2-1-1



KEATON PLACE (PUBLIC ROAD)

NORTH VETERANS PARKWAY BUSINESS 155



**LEGEND**

	HEADWAY UTILITY
	ASPHALT PAVEMENT
	LIGHT DUTY ASPHALT PAVEMENT
	HEAVY DUTY ASPHALT PAVEMENT
	CONCRETE PAVEMENT
	CONCRETE
	SIDEWALK

**REALITY MATTERS, LLC**  
 1501 N Veterans Pkwy  
 Bloomington, IL 61704  
 248.310.9995 (C)  
 csm@realitymattersllc.com

**NOTES**

- REFER TO GENERAL NOTES ON SHEET C-001 FOR ADDITIONAL INFORMATION.
- THE BASIS FOR THE GEOMETRIC LAYOUT IS THE EASTERN PROPERTY LINE.
- EXISTING UTILITIES ARE SHOWN AS DOTTED LINES. THE LOCATION OF UTILITIES SHALL BE VERIFIED BY FIELD SURVEY AND AS SHOWN ON SHEET C-001 FOR ADDITIONAL INFORMATION.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON SPECIFICATIONS AND STANDARDS.
- EXISTING CONDITIONS ARE AS SHOWN PER SURVEY. BY OTHERS.

**SITE SUMMARY**

LOT SIZE: 2.379 AC.  
 ZONING: B-1 GENERAL COMMERCIAL DISTRICT  
 BUILDING USE: 10,000 SF.  
 BUILDING SETBACKS:  
 FRONT 0 FT.  
 SIDE 5 FT.  
 REAR 5 FT.  
 BUILDING SETBACKS:  
 FRONT 12 FT.  
 SIDE 6 FT.  
 REAR 12 FT.  
 SURROUNDING ZONING:  
 NORTH = B-1  
 SOUTH = B-1  
 EAST = M-1  
 WEST = B-1

**PARKING SUMMARY**

MIN. SIZE: 8.5 FT. x 18 FT.  
 MIN. DRIVE WIDTH: 24 FT.  
 MIN. SPACES REQUIRED: 30 (17 SERVICE BAY)  
 NO. OF SPACES PROVIDED: 75

**Belle Tire**  
 Bloomington, IL

1501 N Veterans Pkwy  
 Bloomington, IL 61704

**SITE PLAN**

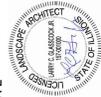
**22-310**

**C 200**

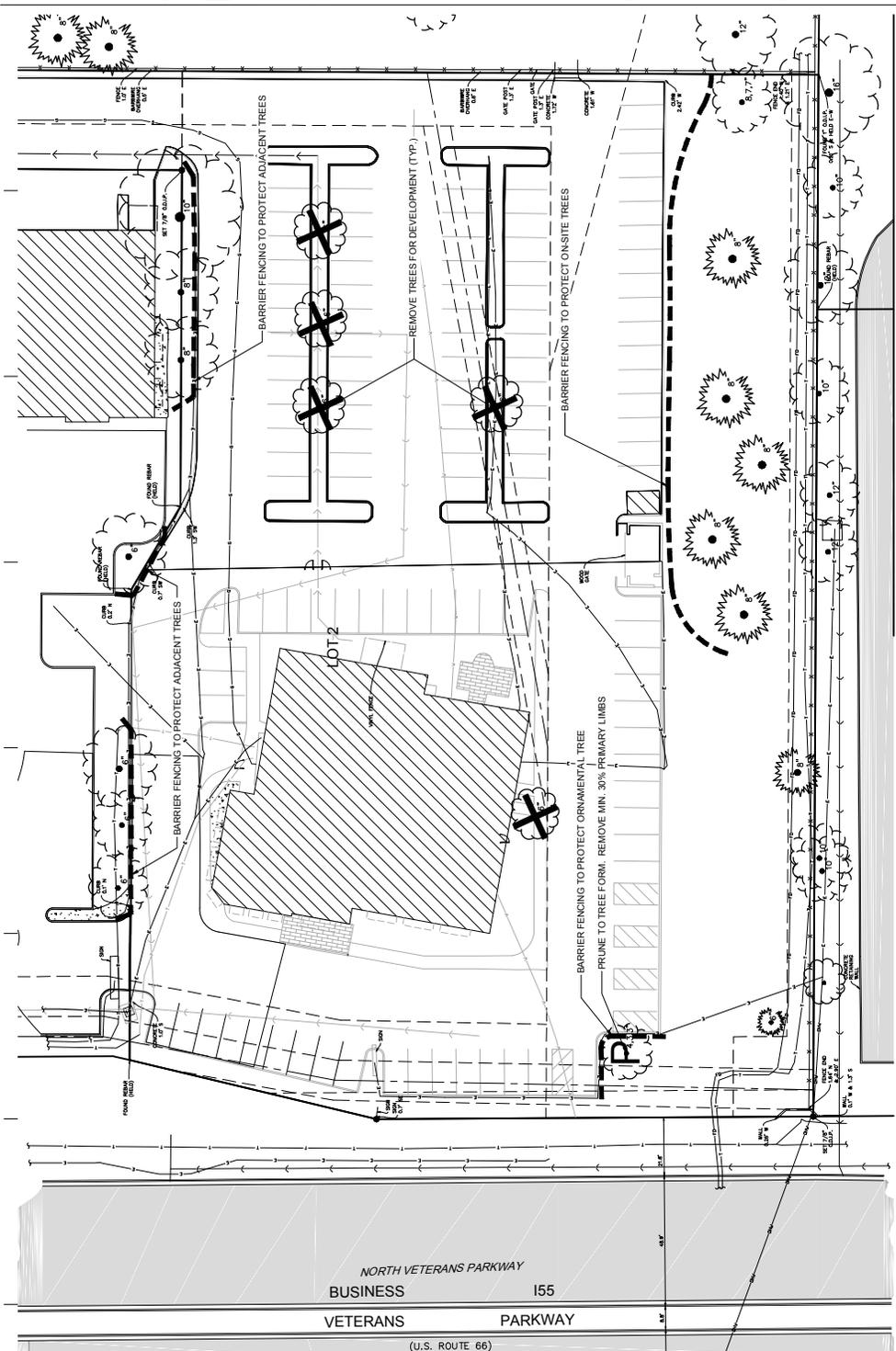


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EXPIRES 08/2023



**TREE REMOVAL & PROTECTION PLAN**

**TREE PROTECTION & REMOVAL LEGEND**

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE PRUNED
- BARRIER FENCING TO BE INSTALLED

**EXISTING VEGETATION DESCRIPTION**

THE PROJECT SITE CONSISTS OF A VACANT RESTAURANT BUILDING AND SEMI-MATURE LANDSCAPE. THERE ARE A TOTAL OF 16 EXISTING TREES ON PART OF THIS PROJECT. 5 TREES (39 CAL. INCHES) WILL BE REMOVED AS PART OF THIS PROJECT.

**TREE PROTECTION & REMOVAL NOTES**

1. CONTRACTOR SHALL OBTAIN ALL NECESSARY STATE AND LOCAL PERMITS AND PERMISSIONS TO PRUNE, REMOVE, AND/OR TRANSPLANT ANY TREES ON SITE.
2. DEAD AND DYING MATERIAL ON THE SITE SHALL BE REMOVED OR PRUNED. MATERIALS NOT LABELED ON THE PROTECTION PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR REEVALUATION.
3. DURING CONSTRUCTION EXISTING TREES OVER FOUR INCHES IN CALIPER SHALL BE PROTECTED WITH BARRIER FENCING. BARRIERS SHALL BE CONSTRUCTED OF A MIN. 3" TALL SNOW FENCE OR SIMILAR AND SUPPORT POSTS MIN. 6" O.C. AND SHALL BE ERRECTED ONE FOOT BEYOND THE DRIP LINE OFF ALL EXISTING TREES ON SITE AND ADJACENT SITES TO REMAIN.
4. BARRIER FENCING SHOWN ON THE PLAN IS APPROXIMATE. CONTRACTOR SHALL ADJUST LOCATION OF BARRIER TO POSITION OUTLINED IN COMMENT 4.
5. NO EXCESS SOIL OR ADDITIONAL FILL, BUILDING MATERIALS OR DEBRIS SHALL BE PLACED WITHIN THE PROTECTIVE BARRIER.
6. NO VEHICLES OR HEAVY MACHINERY SHALL BE ALLOWED TO WORK WITHIN THE BARRIER AREA.
7. NO ATTACHMENTS OR WIRES, OTHER THAN PROTECTIVE GUY WIRES, SHALL BE ATTACHED TO ANY OF THE TREES WHICH ARE WITHIN PROTECTIVE BARRIER.
8. STUMPS OR TREE REMAINS NOT TO BE FULLY EXCAVATED SHALL BE REMOVED. A STUMP GRINDER SHALL BE USED TO REMOVE ALL REMAINING ROOTS AND WOODY MATERIAL, WITHIN A 24" RADIUS OF THE TREE TRUNK TO MIN. 6" BELOW GRADE. DISTURBED AREA SHALL BE REFINISHED WITH COMPACTED TOPSOIL TO MEET SURROUNDING GRADES.





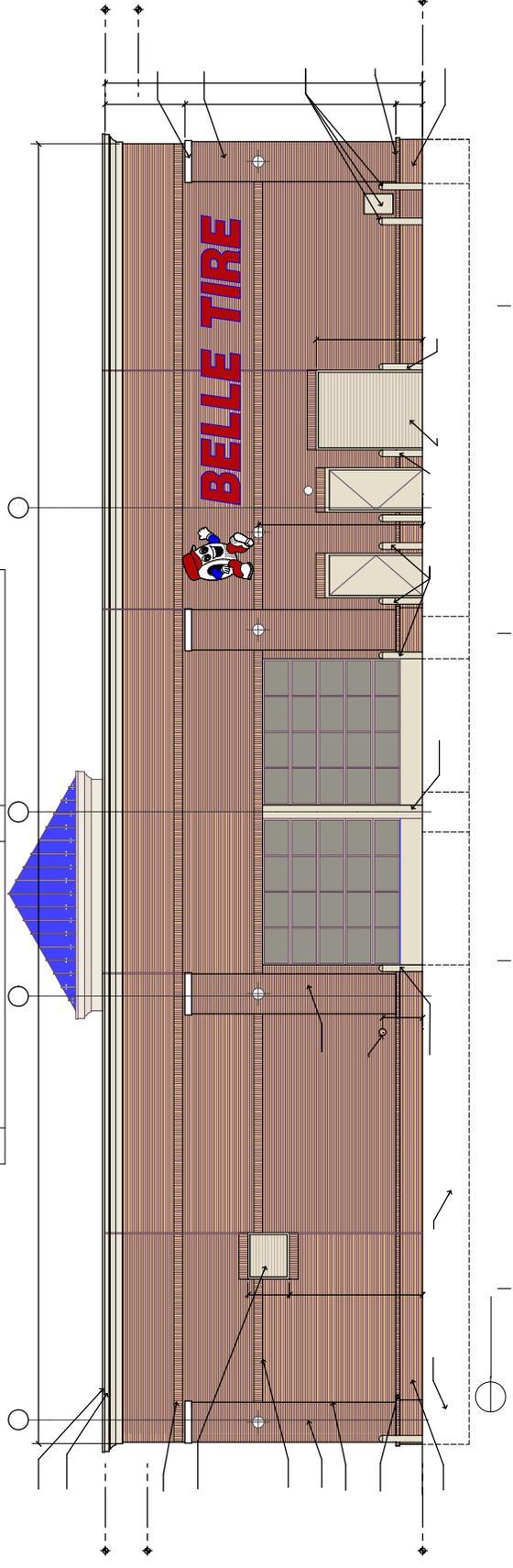
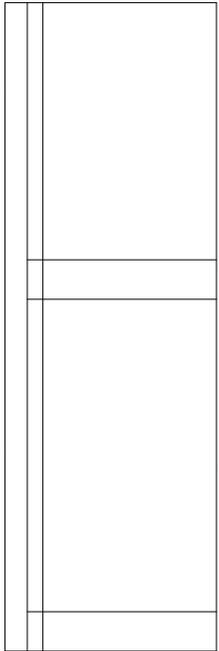
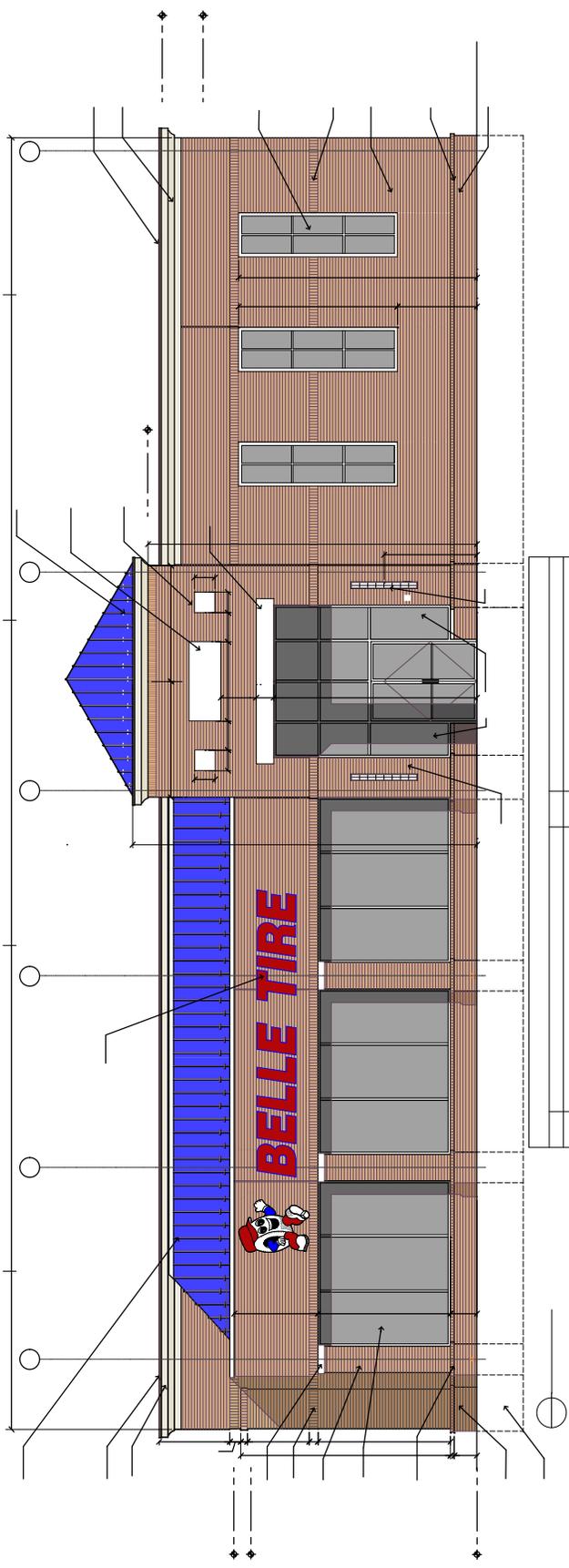






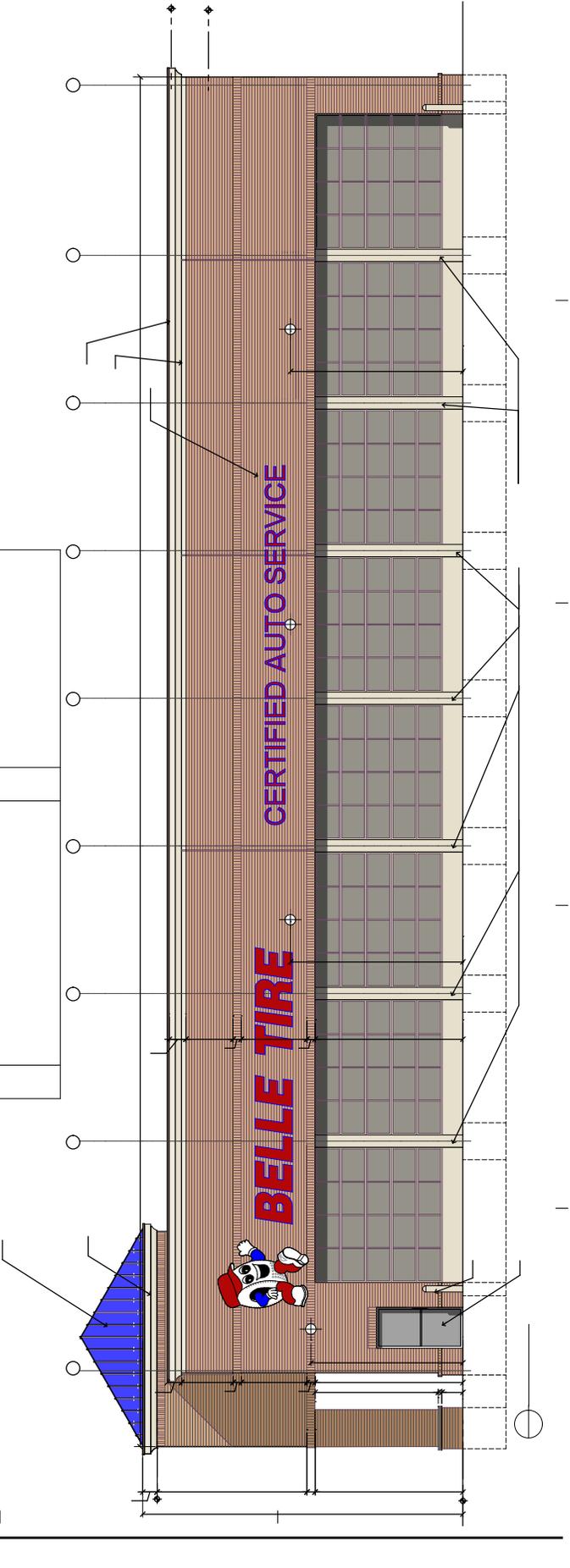
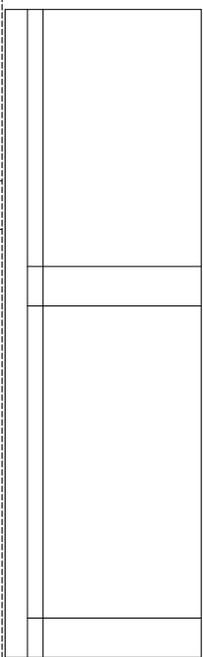
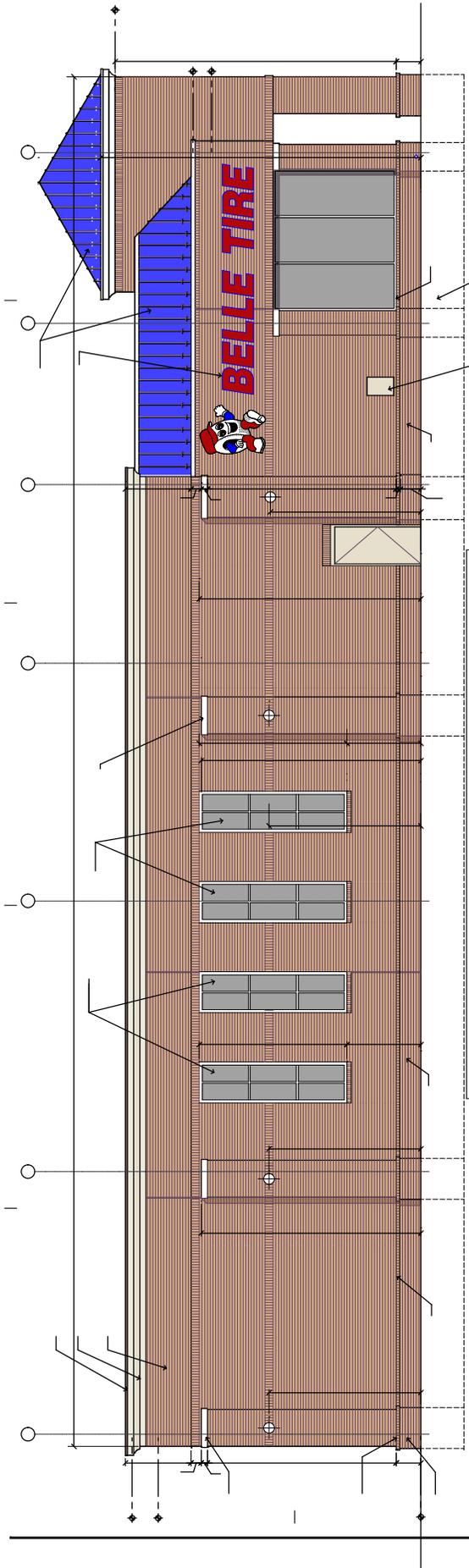


CONTEMPORARY CONCRETE ARCHITECTS  
ARCHITECTS



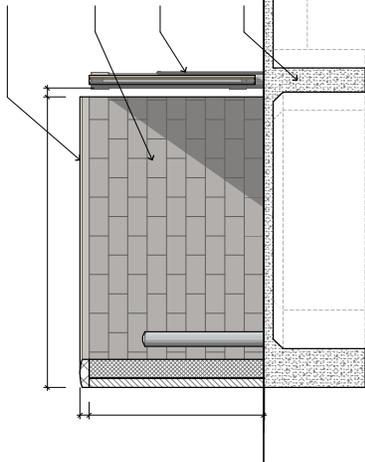
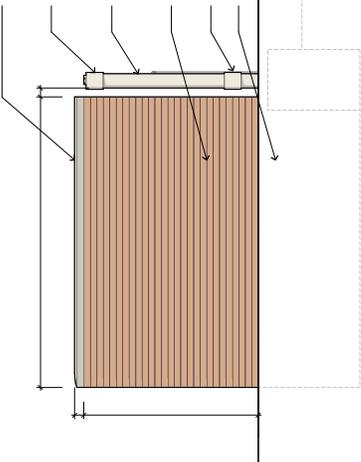
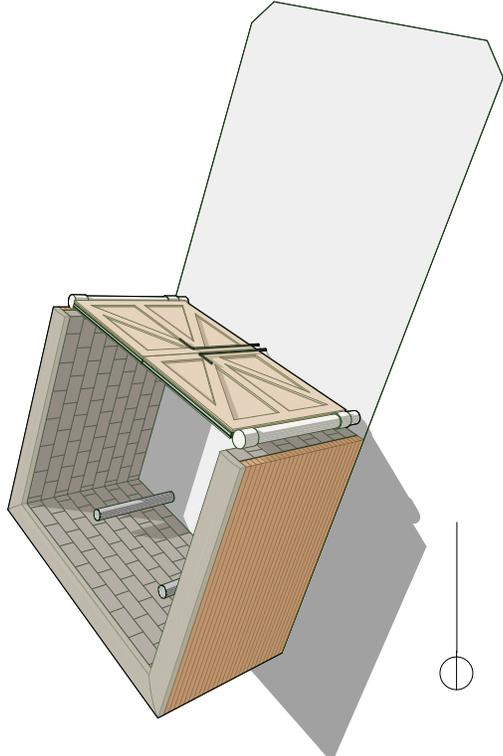
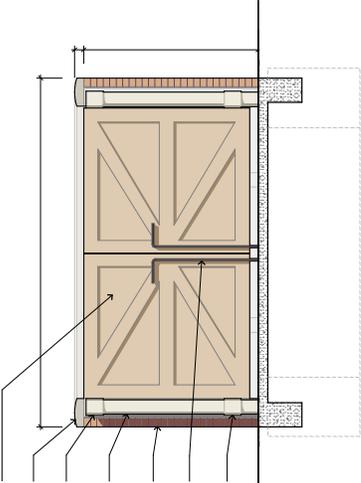


CONTEMPORARY EXTERIOR ARCHITECTURE  
ALFRED CAR ARCHITECTS

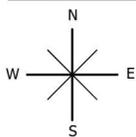




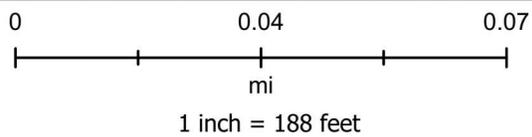
MARK	MATERIAL	DESCRIPTION
BIPST	TEFLON	STAYS/POST TO MOUNT SAND 1081/44
B1	FACE BRICK	TRIMMERS/FASTENERS/SCREWS GLAZERY BRICKS
GB-1	GLAZED BLOCK	TRIMMER/FASTENERS/SCREWS GLAZING COLOR - FIRESTONE RED
GL	GLAZING SYSTEM	GLAZING: 1" INSUL - TPO SOLARSHIELD 2" INSUL - POLYURETHANE LOW REFLECTING INSULATING GLASS B CLEAN ANODIZED FRAMING SYSTEM C CLEAN ANODIZED FRAMING SYSTEM D CLEAN ANODIZED FRAMING SYSTEM E CLEAN ANODIZED FRAMING SYSTEM F CLEAN ANODIZED FRAMING SYSTEM G CLEAN ANODIZED FRAMING SYSTEM H CLEAN ANODIZED FRAMING SYSTEM I CLEAN ANODIZED FRAMING SYSTEM J CLEAN ANODIZED FRAMING SYSTEM K CLEAN ANODIZED FRAMING SYSTEM L CLEAN ANODIZED FRAMING SYSTEM M CLEAN ANODIZED FRAMING SYSTEM N CLEAN ANODIZED FRAMING SYSTEM O CLEAN ANODIZED FRAMING SYSTEM P CLEAN ANODIZED FRAMING SYSTEM Q CLEAN ANODIZED FRAMING SYSTEM R CLEAN ANODIZED FRAMING SYSTEM S CLEAN ANODIZED FRAMING SYSTEM T CLEAN ANODIZED FRAMING SYSTEM U CLEAN ANODIZED FRAMING SYSTEM V CLEAN ANODIZED FRAMING SYSTEM W CLEAN ANODIZED FRAMING SYSTEM X CLEAN ANODIZED FRAMING SYSTEM Y CLEAN ANODIZED FRAMING SYSTEM Z CLEAN ANODIZED FRAMING SYSTEM
MC-1	COIRING	DISCOUNT PRICE SIMONSON METAL FINISH - KNIFE FINISH - COLOR TO MATCH PERSA
PS-1	COIRING	PRE-CAST CONCRETE STONE - BUFF - SUBMIT FOR APPROVAL
P-1	PAINT	#230 CAPE COD GRAY - INDUSTRIAL ENAMEL PAINT & LAMBERT - #1996 GRAY - 1/2" FINISH - COLOR TO MATCH PERSA
P-2	PAINT	GREENBERRY RED - PAINT & LAMBERT
P-3	PAINT	PAINT TO MATCH PERSA
P-4	PAINT	PAINT TO MATCH PERSA
P-5	PAINT	GENERAL WHITE INDUSTRIAL ENAMEL PAINT & LAMBERT
P-7	PAINT	BLACK SEMI-GLOSS - ALL MANUFACTURERS
P-8	PAINT	#C75 MAYVILLE BROWN



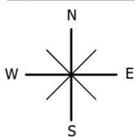
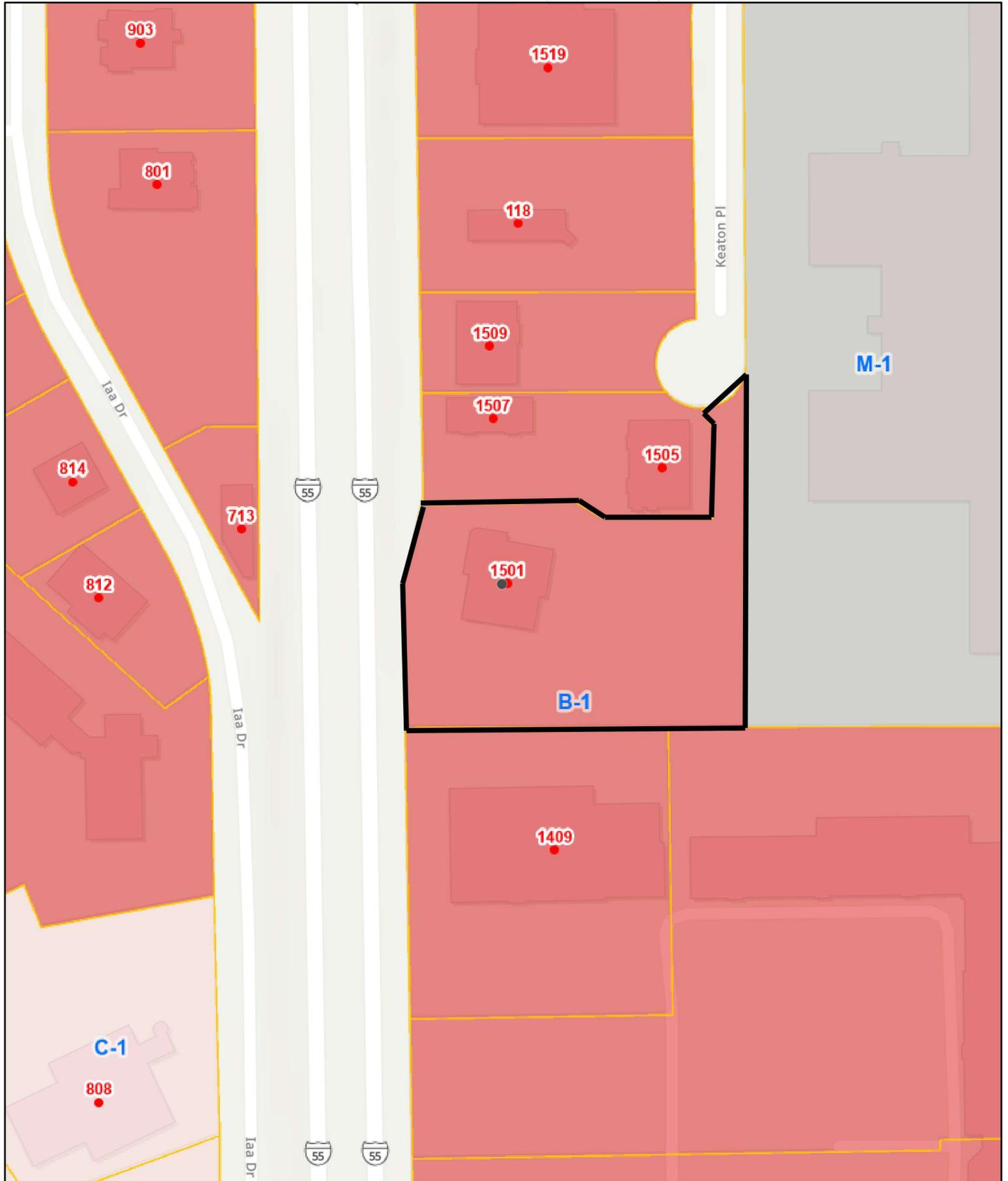




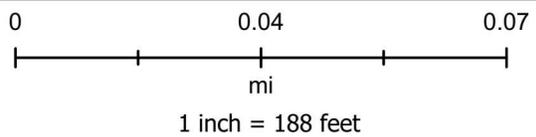
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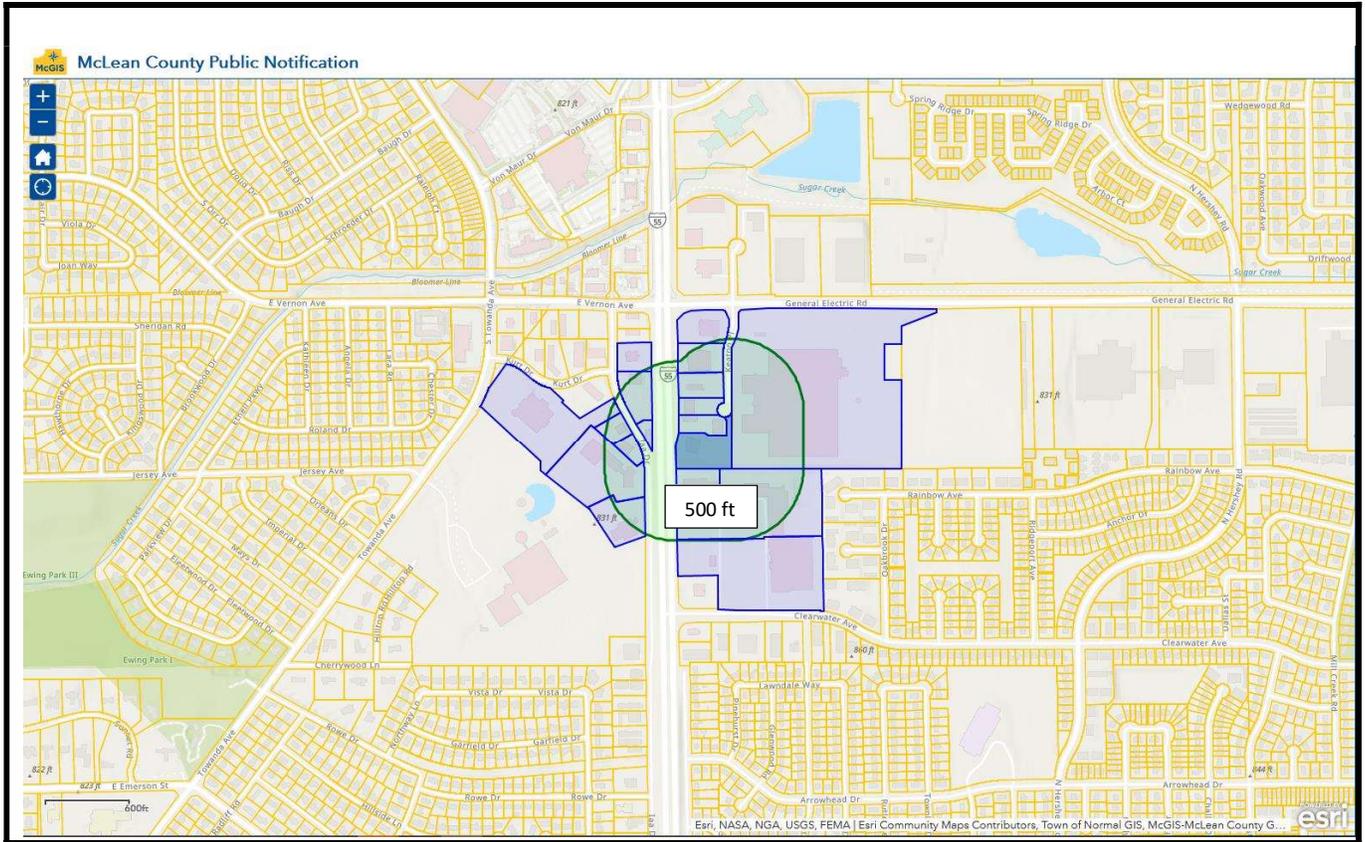
# 1501 N Veterans Pkwy - Zoning Map



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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:** October 6, 2022

**CASE NO:** PR-10-22, Site Plan Review

**REQUEST:** Public hearing, review, and action on a petition submitted by James A. Shirk, Sunrise Company, LLC, requesting approval of a Site Plan to allow Trade & Construction Service, Building Supplies, and General Office Uses in the B-1 (General Commercial) District for the property located at 101 Woodrig Road, in Bloomington (PIN: 21-21-201-012) (Ward 2).

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### BACKGROUND

*Petitioners' request:*

The petitioner is requesting a Legislative Site Plan Review to develop a building to be occupied with Trade & Construction Service, Building Supplies, and General Office Uses at the subject property. All the proposed uses are identified as Permitted Uses in the B-1 (General Commercial) District.

The petitioner is proposing to construct a 35,000 square foot multi-tenant building with associated surface parking at the site. The building is proposed at 30 feet in height. The current site is part of a larger overall site development which could include three other buildings and surface parking to be constructed in the future. An amended preliminary plan for the overall site was recently approved in May 2022. All bulk requirements have been met. Pedestrian access to the site and bicycle parking has not been identified.

*Property Characteristics:*

The subject property consists of approximately 2.3 acres of land located near the southwestern intersection of Woodrig Road and Breezewood Boulevard in Bloomington. The property was previously vacant. The surrounding properties consist of commercial and public zoning districts. The surrounding uses also consist of some commercial and manufacturing uses, though most of the area remains undeveloped.

*Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, September 19, 2022. Courtesy notices were mailed to 37 property owners within 500 feet of the subject property.

*Surrounding Zoning and Land Uses*

	Zoning	Land Uses
North	B-1, (General Commercial)	Commercial (vacant)
South	P-2, (Public Lands & Institutions)	Public (vacant)
East	B-1, (General Commercial)	Commercial (vacant)
West	B-1, (General Commercial)	Commercial (vacant)

**ANALYSIS**

*Compliance with the Comprehensive Plan*

The subject property is identified as Tier 1-Infill Redevelopment Priority. The Future Land Use map identifies the site as Regional Commercial. Approval of the Site Plan aligns with the following goals of the Comprehensive Plan: Goal ED -4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City)

**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 meet all bulk requirements for B-1 zoning. The parking lot meets 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 uses will not have any adverse impacts on the development of adjoining land. The uses are permitted within the zoning 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 by and directly situated on Breezewood Boulevard. All curb cuts and aprons at the site will need to meet code requirements. **Standard is met.**

4. **Standard: 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 zoned commercial. The uses range from commercial, office, and residential. The proposed uses at the site would be complementary to the existing surrounding uses. **Standard is met.**

\*There are no additional requirements noted for Trade & Construction Services, Building Materials & Supplies, or General Office uses.

#### **STAFF RECOMMENDATION**

Staff finds that the application meets the standards for site plan review and recommends its approval. Staff recommends that the Commission take the following actions:

1. Motion to establish findings of fact that the subject property meets the Legislative Site Plan Review criteria in Chapter 44.17-9 of the City Code and recommend that City Council approve a Site Plan for the property located at 101 Woodrig Road (PIN: 21-21-201-012) (Ward 2).

Respectfully submitted,  
Jon Branham  
City Planner

#### Attachments:

- Draft ordinance
- Building Plans
- Aerial map
- Zoning map
- Neighborhood notice and map

ORDINANCE NO. 2022-\_\_\_\_\_

**AN ORDINANCE APPROVING A SITE PLAN FOR A TRADE & CONSTRUCTION SERVICE, BUILDING SUPPLIES, AND GENERAL OFFICE USES, IN THE B-1 (GENERAL COMMERCIAL) DISTRICT FOR PROPERTY LOCATED AT 1-1 WOODRIG ROAD**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting approval of a Site Plan for Trade & Construction Service, Building Supplies, and General Office Uses, in the B-1 (General Commercial) District, for the property located at 101 Woodrig Road, legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit “B” and hereinafter referred to as “Plan”; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Planning Commission, following said public hearing, made findings of fact that such Site Plan meets the standards for granting Site Plan approval set forth in Bloomington City Code § 44-1709; and

WHEREAS, the Bloomington Planning Commission voted to recommend that the City Council pass this Ordinance; and

WHEREAS, the City Council of the City of Bloomington has the power to adopt this Ordinance and allow this Site Plan.

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

**Section 1.** The above recitals are incorporated herein by this reference as if specifically stated in full.

**Section 2.** That the Site Plan for Trade & Construction Service, Building Supplies, and General Office Uses in the B-1 (General Commercial) District, for the property at 101 Woodrig Road, legally described in Exhibit “A”, is hereby approved.

**Section 3.** The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

**Section 4.** This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

**Section 5.** This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 24<sup>th</sup> day of October 2022.

APPROVED this \_\_\_\_\_ day of October 2022.

**CITY OF BLOOMINGTON**

**ATTEST**

\_\_\_\_\_  
Mboka Mwilambwe, Mayor

\_\_\_\_\_  
Leslie Smith-Yocum, City Clerk

## EXHIBIT A

### Legal Description

Outlot 38 in Cedar Ridge Subdivision according to the plat thereof recorded January 17, 2008 as Document No. 2008-1507 in the McLean County Recorder's Office, and a part of the Northeast Quarter of Section 21, Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast Corner of said Outlot 38. From said Point of Beginning, thence north 174.16 feet along the West Line of Breezewood Boulevard being the arc of a curve concave to the west with a radius of 2000.00 feet and the 174.10 foot chord of said arc forms an angle of  $92^{\circ}-29'-38''$  as measured from west to north with the North Line of said Outlot 38; thence north 262.17 feet along said West Line of Breezewood Boulevard as shown in said Cedar Ridge Subdivision which forms an angle to the right of  $177^{\circ}-30'-19''$  with the last described chord; thence northwest 29.28 feet along said West Line of Breezewood Boulevard which forms an angle to the right of  $137^{\circ}-02'-43''$  with the last described course to the South Right-of-Way Line of Woodrig Road; thence north 45.00 feet along a line which forms an angle to the right of  $227^{\circ}-02'-43''$  with the last described course to the North Line of said Northeast Quarter; thence west 693.28 feet along said North Line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course to the East Right-of-Way Line of F.A. Route 2/U.S. Route 51; thence south 19.27 feet along said East Right-of-Way Line which forms an angle to the right of  $85^{\circ}-44'-11''$  with the last described course to the Northwest Corner of a tract of land conveyed to the State of Illinois in Warranty Deed recorded September 9, 1970 as Document No. 70-5822; thence east 82.26 feet along the North Line of said tract of land conveyed to the State of Illinois which forms an angle to the right of  $94^{\circ}-04'-13''$  with the last described course to the Northeast Corner thereof; thence southwest 117.32 feet along the Southeast Line of said tract of land conveyed to the State of Illinois which forms an angle to the right of  $310^{\circ}-18'-28''$  with the last described course to the Southwest Corner thereof, being on said East Right-of-Way Line of F.A. Route 2/U.S. Route 51; thence south 604.83 feet along said East Right-of-Way Line which forms an angle to the right of  $135^{\circ}-37'-19''$  with the last described course to the Westerly Extension of the North Line of Mau Wang Young Subdivision according to the plat thereof recorded September 1, 1977 as Document No. 77-13331 in said Recorder's Office; thence east 239.06 feet along said Westerly Extension and the North Line of Mau Wang Young Subdivision which forms an angle to the right of  $94^{\circ}-27'-26''$  with the last described course to the Southwest Corner of said Outlot 38; thence north 179.78 feet along West Line of said Outlot 38 which forms an angle to the right of  $85^{\circ}-43'-00''$  with the last described course to the Northwest Corner thereof; thence east 460.11 feet along North Line of said Outlot 38 which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course to the Point of Beginning.

PIN: 21-21-201-012



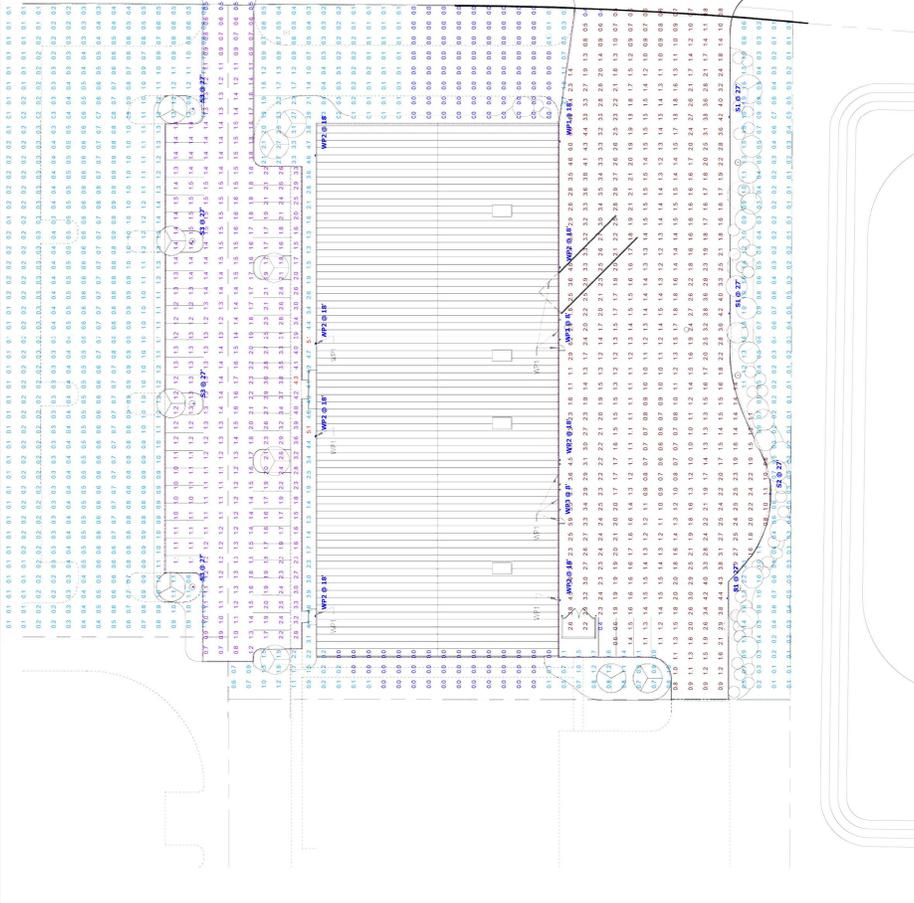












1 LIGHTING PLAN - SITE  
1" = 30'-0"

Schedule Symbol	Label	Image	QTY	Manufacturer	Coloring	Description	Number	Length	LFY	Zone	Polar Foot
S1			3	Etronic Lighting	BLACK LED 12.40W 4.5 1000lm 4000K 50-55 40 DIM (MAX 10 DIM) 0-20000	Single 5-Series Size LED SDR Fixture with Round with Type 2 Optical/20" x 4" Diameter Change-Click Bottom Finish, Dried for (1) Fixture	1	15753	0.9	333.14	
S2			1	Etronic Lighting	BLACK LED 12.40W 4.5 1000lm 4000K 50-55 40 DIM (MAX 10 DIM) 0-20000	Single 5-Series Size LED SDR Fixture with Round with Type 2 Optical/20" x 4" Diameter Change-Click Bottom Finish, Dried for (1) Fixture	1	6564	0.9	72.95	
S3			4	Etronic Lighting	BLACK LED 12.40W 4.5 1000lm 4000K 50-55 40 DIM (MAX 10 DIM) 0-20000	Single 5-Series Size LED SDR Fixture with Round with Type 2 Optical/20" x 4" Diameter Change-Click Bottom Finish, Dried for (1) Fixture	1	14796	0.9	169.04	
WP1			1	Etronic Lighting	BLACK LED 12.40W 4.5 1000lm 4000K 50-55 40 DIM (MAX 10 DIM) 0-20000	Single 5-Series Size LED SDR Fixture with Round with Type 2 Optical/20" x 4" Diameter Change-Click Bottom Finish, Dried for (1) Fixture	1	12266	0.9	67.8944	
WP2			7	Etronic Lighting	BLACK LED 12.40W 4.5 1000lm 4000K 50-55 40 DIM (MAX 10 DIM) 0-20000	Single 5-Series Size LED SDR Fixture with Round with Type 2 Optical/20" x 4" Diameter Change-Click Bottom Finish, Dried for (1) Fixture	1	8553	0.9	59.2761	
WP3			2	Etronic Lighting	BLACK LED 12.40W 4.5 1000lm 4000K 50-55 40 DIM (MAX 10 DIM) 0-20000	Single 5-Series Size LED SDR Fixture with Round with Type 2 Optical/20" x 4" Diameter Change-Click Bottom Finish, Dried for (1) Fixture	1	1227	0.9	10.6002	

Statistics	Symbol	Qty	Rate	Sub	Mat/Item	Apply/Item
Priority Line		0.9	3.14	0.00	N/A	N/A
Quantity Take		0.9	3.14	0.00	N/A	N/A
Material Pricing		0.9	3.14	0.00	0.00	3.14

PRELIMINARY  
NOT FOR  
CONSTRUCTION

SCHEMATIC DESIGN

No.	Description	Date

**Workbench**  
ARCHITECTS  
234 E FRONT ST  
BLOOMINGTON, IL 61701  
Licenses No. 164.007510-0001  
**Kyle T Glendon**  
309-533-9700  
kyle@workbenchco.com

**OWNER**  
Sunrise Co. LLC  
PO Box 1549  
Bloomington, IL 61702  
Lacey Glendon  
lacey@workbenchco.com

**DEVELOPER**  
Workbench Collaborative  
234 E Front Street  
Bloomington, IL 61701  
Lacey Glendon  
lacey@workbenchco.com

**PROJECT**  
Wooding Business Park  
101 Wooding Road  
Bloomington, IL 61701

08.30.22

E1.0

SITE LIGHTING PLAN





Sunrise Co. - Woodrig Warehouse Development  
101 Woodrig Road  
Bloomington, IL 61704

Woodrig Road - Entrance



**Breezewood Blvd - Entrance Aerial View**

**Sunrise Co. - Woodrig Warehouse Development**  
101 Woodrig Road  
Bloomington, IL 61704



**Sunrise Co. - Woodrig Warehouse Development**  
101 Woodrig Road  
Bloomington, IL 61704

**Breezewood Blvd - Entrance**



Sunrise Co. - Woodrig Warehouse Development  
101 Woodrig Road  
Bloomington, IL 61704

North Elevation



Perspective - SE Aerial

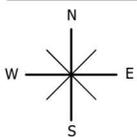
Sunrise Co. - Woodrig Warehouse Development  
101 Woodrig Road  
Bloomington, IL 61704



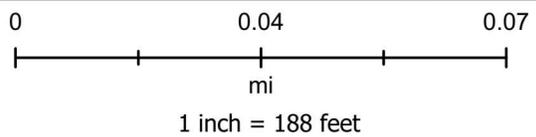




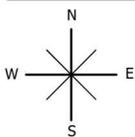
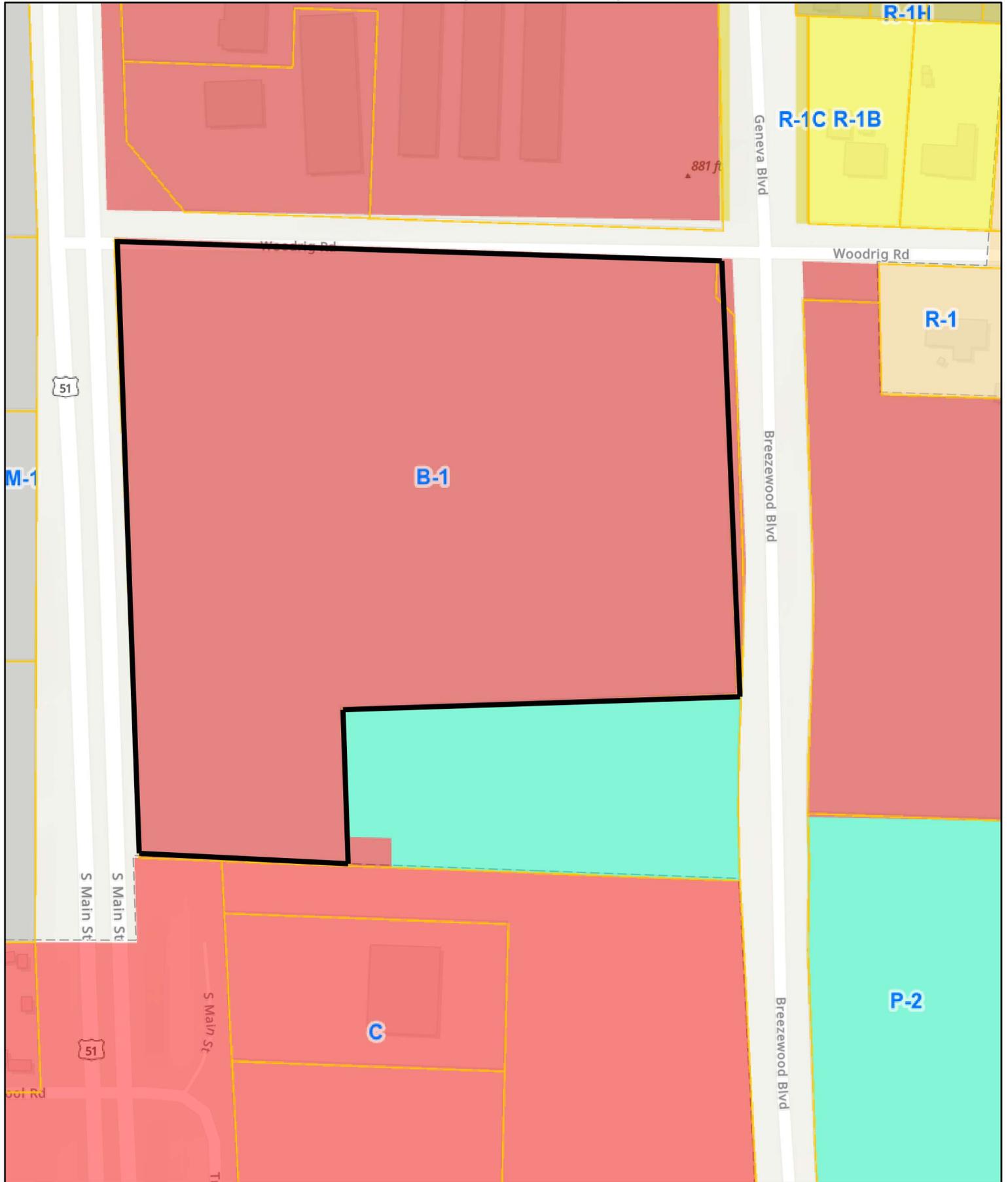
# 101 Woodrig Rd - Aerial Map



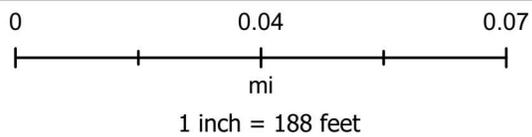
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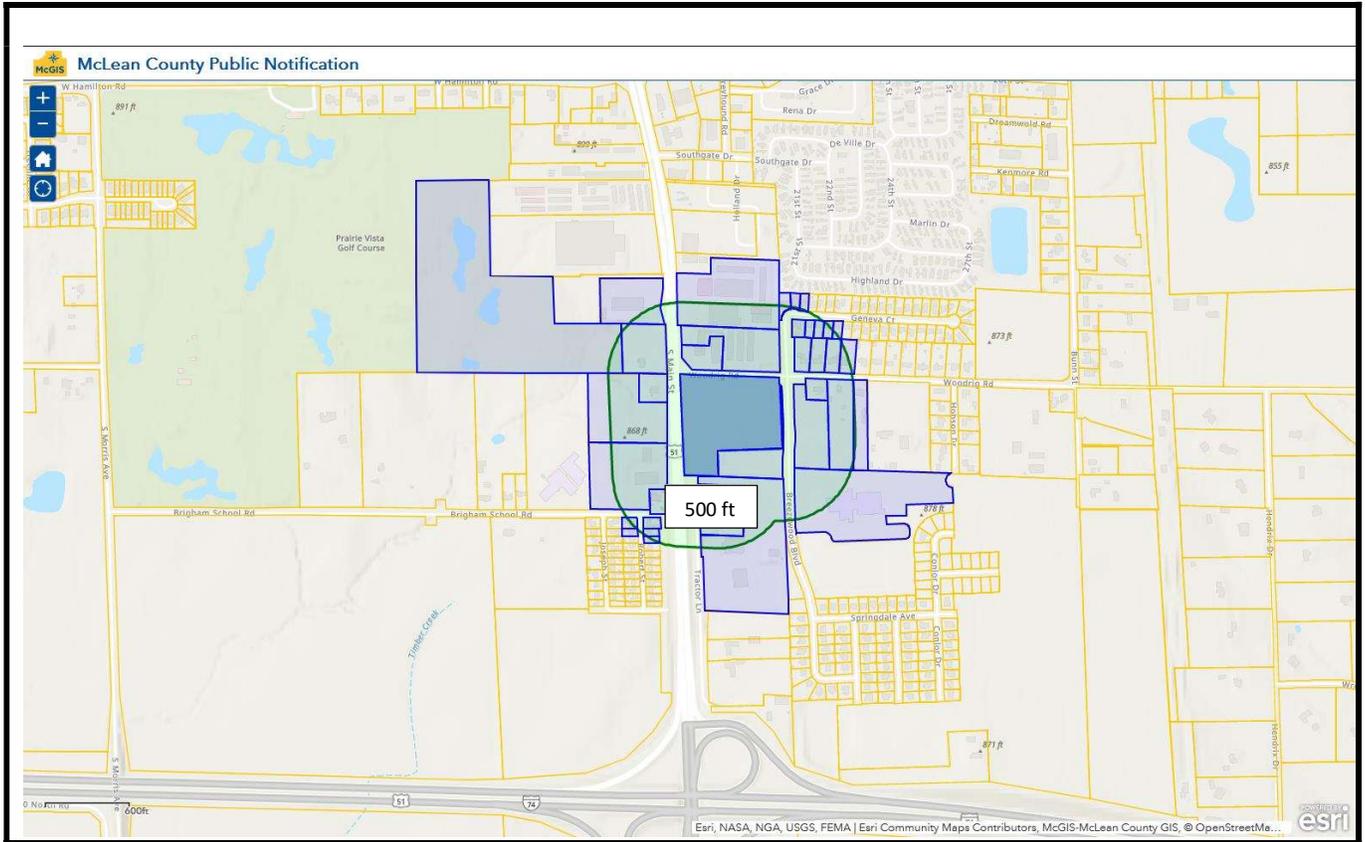
# 101 Woodrig Rd - Zoning Map



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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:** October 6, 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 resolve some of the gaps that resulted from the comprehensive Zoning Code rewrite of 2019.***

This memo provides an overview of additional identified issues and recommended amendments to the Code, as well as amended versions of subject sections, as proposed for adoption.

### 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. 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 September 7, 2022, meeting the Planning Commission voted to approve amendments to a number of sections of the Zoning Code, including the Definitions section. The following additional amendments are presented to the Planning Commission with a recommendation to forward to the City Council for approval, combined with the language recommended for approval at the previous meeting.

## 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

#### *Temporary Uses*

The language structure of the Temporary Uses is unclear and mixes temporary uses with temporary sales, rather than sales being a subset of uses. Temporary sales in residential districts listed as a “development standard” for the district(s) rather than within Temporary Uses provisions.

Staff recommends a solution that more clearly defines temporary sales as a subset of temporary uses, and Farmers’ Markets as a subset of temporary sales, as well as places all temporary sales information in the same section for ease of public interpretation.

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

Addressed by text recommended for approval at the September 7, 2022, Regular Meeting of the Planning Commission.

### (4) Zoning for snack food manufacturing

Addressed by text recommended for approval at the September 7, 2022, Regular Meeting of the Planning Commission.

### (5) Zoning for assisted living facilities

#### *Further Definition Clarification*

The bulk of the required work was addressed by amendments recommended for approval at the September 7, 2022, Regular Meeting of the Planning Commission; the approving motion removed additional text which staff subsequently reviewed for additional implications.

Staff recommends further clarification after review of the changes made by the amended motion at the prior meeting.

### (6) The review and submission process

#### *Zoning Board of Appeals Reference Corrections*

Throughout the current Zoning Code, the Board responsible for reviewing Variances and Special Uses (amongst other things) is referred to as the “Board of Zoning Appeals” (BZA), while the actual name of the Board to which citizens are appointed is the “Zoning Board of Appeals” (ZBA).

- City of Bloomington’s website documents, pre-dating the Chapter 44 rewrite refer to the Board as the “Zoning Board of Appeals.”

- Historically, the name of the Board has also been “Zoning Board of Appeals,” as indicated on agendas, case files, and minutes, at least as far back as 1967.

Staff recommends correcting references to this Chapter’s appeals board from “BZA” to “ZBA”; sections where ZBA is already accurately described have not been included in the attached document.

Respectfully Submitted,  
Planning Division Staff

#### Attachments

- A. Assisted Living (Article XVI, Section 2) further clarification
- B. Temporary Uses (Article IX, Section 7) and associated changes
- C. Zoning Board of Appeals (Article XVII) reference clarifications
- D. Combined Revisions to Chapter 44 - Definitions, Excluded Residential, and Process/Structure/Reference Cleanup



## PLANNING COMMISSION

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**DATE:** October 5, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment A – Assisted Living (Article XVI, Section 2) further clarification

Text recommended during August meeting:

### ASSISTED LIVING FACILITIES

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

Remaining Problematic Language:

### ASSISTED LIVING FACILITIES

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

Proposed Definition:

### ASSISTED LIVING FACILITIES

A special combination of housing, supportive services, personalized assistance, and/or health care designed to respond to the individual needs of those who need help with activities of daily living because of age or medical condition. This also includes independent living, elderly housing, nursing homes, and hospices.

**DATE:** October 5, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment B – Temporary Uses (Article IX, Section 7) and associated changes

§ 44-405 [Ch. 44, 4-5] Development standards applicable to residential districts.

A. ~~Reserved. Temporary sales. Temporary sales that may be allowed in residential districts are garage sales, auction sales of real estate or estate disposition, and neighborhood block sales that do not use public right-of-way. Such sales may be conducted so long as the following requirements are met:~~

- ~~(1) No more than three garage/group sales are held on the same premises during any calendar year.~~
- ~~(2) The duration of said sales is limited to no more than three consecutive days or two consecutive weekends and during daylight hours.~~
- ~~(3) A group sale shall be considered as having been conducted for and by all premises from which merchandise is contributed or on which merchandise is sold.~~
- ~~(4) The Director of Economic and Community Development or his or her appointee may enter any premises within the City of Bloomington to determine compliance with this section or any applicable Code and may terminate said sale if violations are found; and [Amended 10-26-2020 by Ord. No. 2020-69]~~
- ~~(5) Sound systems can only be used at an auction.~~

§ 44-907 [Ch. 44, 9-7] Temporary uses.

A. ~~Farmers' markets and~~ Temporary sales on business premises, including Farmers' Markets. A farmers' market may be permitted as an accessory use to any principal permitted use in B-1, B-2, C-1 District; or as an accessory to school, place of worship or other institutional use in all districts. Temporary sales of goods and services may be conducted on the premises of business in any nonresidential zoning district. The following requirements shall apply:

- ~~(1) Excluding farmers' markets,~~ No more than three temporary sales may be held on the same premises during any calendar year.
- ~~(2) Excluding farmers' markets,~~ The duration of temporary sales shall be limited to no more than three consecutive days and during the regular hours of the principal business.
- ~~(3) Farmers' markets may be conducted on a weekly or semi-weekly basis for a period of up to six consecutive months during any calendar year.~~
- (3) (4) Farmers' markets and Sales by other than the principal business or principal use must be licensed by the City of Bloomington. Such license shall be granted upon submission of the following:
  - (a) Description of good/services to be sold;
  - (b) Duration of the sale including days and hours of operation;
  - (c) Site plan showing the location of the proposed ~~farmers' market or~~ sale approved by the Economic and Community Development Department; [Amended 10-26-2020 by Ord. No. 2020-69]
  - (d) Consent of the principal business owner/property owner;

- (e) A surety bond of at least \$3,000;
- (f) A minimum of \$20,000 in liability insurance;
- (g) Arrangements for customer parking;
- (h) Arrangements for use of the principal business or owner's sanitary facilities, if any;
- (i) IRS Tax Identification No.;
- (j) Illinois sales tax number;
- (k) Contact information including name, mailing address, email address and telephone number of the home base and manager of the transient business or farmers' market;
- (l) Plans for temporary structures that may be constructed/installed for the use of the transient business approved by the Economic and Community Development Department; and **[Amended 10-26-2020 by Ord. No. 2020-69]**

(m) A filing fee per location or annual fee as detailed in Appendix A of this Code shall be required.

~~(4)~~ ~~(5)~~ Sales by the principal business itself shall be without a license, bond, liability insurance, etc. except that the activity must be registered with the City of Bloomington. Said registration shall require the submission of the items described in § 44-907A(3)(a), (b), (c) and (l). **[Amended 8-24-2020 by Ord. No. 2020-55]**

~~(5)~~ ~~(6)~~ No ~~farmers' market or~~ sale on a parking lot shall be allowed that would obstruct traffic in the lot or reduce the number of parking spaces for the principal business below the number required by City Code.

~~(6)~~ ~~(7)~~ No ~~farmers' market or~~ sale shall be allowed closer than 15 feet from the front property line.

~~(7)~~ ~~(8)~~ No farmers' market or sale will be allowed that involves the use, placement, distribution, or sale of hazardous materials as determined by the Bloomington Fire Chief or his or her designee.

~~(8)~~ ~~(9)~~ No food sale for consumption shall be allowed without approval of the McLean County Health Department.

~~(9)~~ ~~(10)~~ Where businesses abut a residential property, no farmers' market or sale will be allowed without the installation of an opaque fence at least six feet high to protect said property from the activity.

~~(10)~~ ~~(11)~~ The premises must be cleaned of goods and debris after each ~~farmers' market or~~ sale.

~~(11)~~ ~~(12)~~ No sound system shall be used in conjunction with the ~~farmers' market or~~ sale.

~~(12)~~ ~~(13)~~ Farmers' markets

(a) A farmers' market may be permitted as an accessory use to any principal permitted use in B-1, B-2, C-1 District; or as an accessory to school, place or worship or other institutional use in all districts.

(b) In addition to the allowances for other temporary sales, Farmers' markets may be conducted on a weekly or semi-weekly basis for a period of up to six consecutive months during any calendar year.

B. Temporary seasonal sales. Temporary sales involving agricultural products such as fresh produce and Christmas trees which by their nature are seasonal, may be allowed on the premises of a business in any commercial zoning district for the entire season on a daily basis, weather permitting, without regard to the limitations in § 44-907A and B herein.

C. Temporary sales on vacant land. Temporary sales on vacant land may only occur in business and manufacturing districts. Such sales will only be permitted after the Director of Economic and Community Development has determined that the requirements of other applicable City Codes have been met. Such

sales must conform to the requirements of this section with the additional requirement that sales may not be conducted between the hours of 9:00 p.m. and 8:00 a.m. [Amended 10-26-2020 by Ord. No. 2020-69]

D. Temporary sales conducted during a civic event recognized by the City of Bloomington shall not be subject to the provisions of this section.

E. Temporary sales in residential districts. Temporary sales that may be allowed in residential districts are garage sales, auction sales of real estate or estate disposition, and neighborhood block sales that do not use public right-of-way. Such sales may be conducted so long as the following requirements are met:

- (1) No more than three garage/group sales are held on the same premises during any calendar year.
- (2) The duration of said sales is limited to no more than three consecutive days or two consecutive weekends and during daylight hours.
- (3) A group sale shall be considered as having been conducted for and by all premises from which merchandise is contributed or on which merchandise is sold.
- (4) The Director of Economic and Community Development or his or her appointee may enter any premises within the City of Bloomington to determine compliance with this section or any applicable Code and may terminate said sale if violations are found; and [Amended 10-26-2020 by Ord. No. 2020-69]
- (5) Sound systems can only be used at an auction.

~~F.E.~~ Temporary outdoor storage (in shipping containers, storage containers, or in trailers) of materials for charitable and philanthropic organizations in business and manufacturing districts shall be permitted in front, rear, and side yards subject to the following:

- (1) Temporary outdoor storage shall be accessory to a principal permitted use;
- (2) Such temporary outdoor storage shall not be in any way that impedes on-site circulation or the use of any required off-street parking or loading spaces required by Article XII of this Code;
- (3) A permit for temporary outdoor storage use shall be obtained from the Economic and Community Development Director prior to the placement of any containers or materials. [Amended 10-26-2020 by Ord. No. 2020-69]
- (4) No containers shall be permitted on a site more than 90 days in any calendar year.

~~G.F.~~ All signs and their use shall comply with 14 of the Bloomington City Code, 1960, as amended.

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

SALES, TEMPORARY - The disposition of goods or services, except in a completely enclosed building, that by its nature is temporary and except when involving the use of vacant land, could be determined as incidental or accessory to an existing principal use. "Temporary sales" includes garage sales, ~~and~~ sales to dispose of the assets of an estate, and Farmer's Markets.

**DATE:** October 5, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Attachment C – Zoning Board of Appeals reference corrections

- § 44-106C No lot or yard existing on the effective date of this Code shall be reduced in dimension or area below the minimum requirements set forth herein, unless a variation for such reduction is granted by the ~~Zoning Appeals~~ Zoning Board of Appeals in accordance with § 44-1708 of this Code.
- § 44-201A The provisions of this Code are intended to govern the use of land, buildings, and structures; and establish bulk and off-street parking and loading, and landscaping requirements applicable thereto. It is essential that each new use of land, buildings, or structures become an integral part of the overall function and pattern of community development. All development subject to the provisions of this Code, except as provided hereinafter for Planned Unit Developments, as provided in Ordinances authorizing special use permits or pursuant to variations granted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals or City Council shall conform to the standards of the district in which it is located.
- § 44-203J Where, due to the scale, lack of detail, illegibility, or where physical features existing on the ground are at variance with those shown on the Official Zoning Map, and there exists any uncertainty, contradiction or conflict as to the intended location of any boundary as shown thereon, the Director of Economic and Community Development shall make an interpretation of said map upon request of any person and within a reasonable period. Any person aggrieved by such interpretation may appeal such interpretation to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals pursuant to § 44-1712.
- § 44-605A(3) Land use. Land uses permitted in said Industrial Transition Areas shall be those listed in the M-1 District. For residential, entertainment and hospitality, personal services and retail and service uses that require a special use, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall consider the following factors, in addition to the standards in § 44-1707.
- § 44-802C Variations. The City shall consult and obtain a written recommendation from the Bloomington-Normal Airport Authority prior to consideration of any variation to this § 44-802. The Construction Board of Appeals shall be responsible for reviewing variations of the provisions of this § 44-802 pertaining to building construction and/or acoustical insulation. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall be responsible for reviewing all other variations of this § 44-802 not pertaining to building construction or sound insulation.
- § 44-1014I(2) All special use permits for community reception establishments shall be reviewed on an annual calendar year basis by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals in liaison with the Director of Economic and Community Development and the City Fire Marshal to insure compliance with the City Code.
- § 44-1029F Special use permit. The applicant for a special use permit shall submit written documentation to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals verifying compliance with all Illinois Environmental Protection Agency requirements and performance standards for refractory lined pit burners.

§ 44-1103A(4) A special use permit may be granted authorizing the change of a nonconforming use to another nonconforming use, provided that the City Council, after a public hearing by the ~~Bloomington Board of Zoning Appeals~~ Zoning Board of Appeals, shall find that the proposed use more compatible to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Code.

§ 44-1208E Table 1208E: Off-Street Parking Requirements

Recreational; Fairgrounds, agricultural exhibits; Spaces equivalent to 30% of peak daily attendance, as adduced from testimony before the ~~Board of Zoning Appeals~~ Zoning Board of Appeals

§ 44-1603 BOARD OF ZONING APPEALS (ZONING BOARD OF APPEALS) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals for the City of Bloomington, Illinois.

§ 44-1627 ZONING BOARD OF APPEALS (BOARD OF ZONING APPEALS) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals for the City of Bloomington, Illinois.

§ 44-1702 [Ch. 44, 17-2] Decision-making bodies (~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation Committee, Planning Commission).

A. General.

(1) Terms. A person appointed to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation Commission or Planning Commission shall serve a term of three years. This term may be extended after the three years for no more than two additional three-year terms. Members of the Board shall serve no more than three consecutive three-year terms (a total of nine years). Vacancies shall be filled for the unexpired term only. Members may be recalled for cause as provided by Chapter 2, § 2-350, of the Bloomington City Code, 1960 as amended.

(2) Officers.

(a) Officers of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation Commission and Planning Commission shall consist of a chairperson and a vice-chairperson elected by the Board or commission, who shall each serve a term of one year and shall be eligible for reelection; but no member shall serve as chairperson for more than two consecutive years. [...]

B. Board of Zoning Appeals Zoning Board of Appeals.

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

(2) Composition. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall consist of seven members who are residents of the City of Bloomington, Illinois, and all of whom shall be appointed by the Mayor and approved by the City Council. [...]

§ 44-1707 [Ch. 44, 17-7] Special Uses

F. Action by ~~Board of Zoning Appeals~~ Zoning Board of Appeals.

(1) Hearing. Upon receipt in proper form of the application and supporting material referred to above, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall hold a least one administrative public hearing on the proposed Special Use in the manner provided in § 44-1705. If any variations to the regulations of this code would otherwise be necessary for the development proposal, such review procedure shall be deemed to occur simultaneously with the Zoning Board of Appeals' administrative public hearing and recommendation on the special use permit application.

(2) Recommendation. For each special use application, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein.

- G. Action by the City Council. The City Council shall either deny the application or shall grant the special use permit, with or without modifications or conditions.
- H. Standards of approval. No special use application shall be recommended by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals or approved by the City Council unless all of the following factors are found: [...]
- I. Conditions and guarantees. Prior to the granting of any special use application, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. The Council may require such evidence and guarantees as it may deem necessary as proof of compliance with the conditions of approval.

§ 44-1708 [Ch. 44, 17-8] Variations.

A. Applicability.

- (1) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall have the power to authorize, upon application, variations to this Code-except where in conflict with other provisions of this section, and to allow the enlargement and structural alterations of nonconforming structures. Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent.
- (2) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals may grant variations only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.
- (3) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals may grant variances from the provisions or requirements of the Sign Code only where the Standards for Variations (§ 44-1708F) are met.
- (4) Any and all variations to this Code granted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals prior to January 9, 1996 are hereby authorized and validated.
- (5) Under no circumstances shall the ~~Board of Zoning Appeals~~ Zoning Board of Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land expressly or by implication prohibited by the terms of this Code in said zoning district.

B. Initiation of application. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council.

C. Application requirements.

- (1) An application for a variation shall be submitted on the form provided by the Office of the Economic and Community Development Department. The application shall specify the grounds for the variation. [Amended 10-26-2020 by Ord. No. 2020-69]
- (2) Before the application is filed, a pre-application review by the Economic and Community Development Department is required. [Amended 10-26-2020 by Ord. No. 2020-69]
- (3) Applications shall conform to the requirements of § 44-1703. The information requested on the application is deemed to be a minimum, and applicants may be required to supply additional information prior to the public hearing on their requests.

D. Action by Director of Economic and Community Development. Upon submission of a complete application, the Director of Economic and Community Development shall review the application for compliance with Subsection G of this section and other applicable requirements and prepare a written report. [Amended 10-26-2020 by Ord. No. 2020-69]

E. Action by ~~Board of Zoning Appeals~~ Zoning Board of Appeals. Upon receipt in proper form of the application and supporting material referred to above, the ~~Board of Zoning Appeals~~ Zoning Board of

Appeals shall hold a least one administrative public hearing on the proposed variation in the manner provided in § 44-1705.

- F. Standards for variations. A variation from the terms of this Code shall not be granted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals unless and until findings of fact are submitted demonstrating all the following factors are met:
- (1) That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
  - (2) That the variance would be the minimum action necessary to afford relief to the applicant; and
  - (3) That the special conditions and circumstances were not created by any action of the applicant; and
  - (4) That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code; and
  - (5) That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties.
- G. Approval. An affirmative vote of four members is required to approve the variance.
- H. Conditions of approval. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this section, to reduce or minimize the effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this ordinance.
- I. Decisions. All decisions of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals on variations initiated hereunder shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, et seq.) However, the aggrieved party may appeal to the City Council if a variation is rejected by the vote of less than five members of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals; the Director of Economic and Community Development may appeal to the City Council if he or she believes the Board's decision allowing the variations violate the intent of this Code. To receive consideration by the City Council the aggrieved party or the Director of Economic and Community Development must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms: [Amended 10-26-2020 by Ord. No. 2020-69]

#### **Notice of Appeal**

I, the undersigned, have requested and made application for a variation. Less than five members of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals concurred in the action which rejected my application.

I, therefore, request that the City Council review the record of the administrative hearing conducted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals and make a final administrative determination thereon.

(Signature)\_\_\_\_\_

#### **Notice of Appeal**

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

(Signature)\_\_\_\_\_

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

- J. Expiration. No order granting a variation shall be valid for a period longer than one year from the effective date of such order, unless a building permit for the building or structure for which such variation was granted is obtained from the Director of Economic and Community Development within

such one-year period and unless construction of such building or structure is started and completed in accordance with the terms of such permit. No order granting a temporary use variation shall be valid for a period longer than one year from the effective date of such order. [Amended 10-26-2020 by Ord. No. 2020-69]

§ 44-1712 [Ch. 44, 17-12] Administrative appeals.

- A. Authority. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, or determination made by the Director of Economic and Community Development. [Amended 10-26-2020 by Ord. No. 2020-69]
- B. Initiation. An administrative appeal may be taken to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals by any property owner, the City Council, or parties to an enforceable purchase option contract aggrieved by an administrative order, requirement decision, or determination under this Code by the Director of Economic and Community Development, provided the terms "any property owner" and "parties to an enforceable purchase option contract" refer to persons with an ownership or contractual interest in the parcel which is the subject of the administrative order, requirement, decision or determination made by the Director of Economic and Community Development. [Amended 10-26-2020 by Ord. No. 2020-69]
- C. Application requirements. An administrative appeal shall be filed made by filing a written notice of appeal, specifying the grounds of the appeal, in the Economic and Community Development Department. The appeal shall thereafter be forwarded to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals within 20 days. [Amended 10-26-2020 by Ord. No. 2020-69]
- D. Administrative public hearing. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall conduct an administrative public hearing on all appeals duly initiated hereunder.
  - (1) In appeals to the Board from decisions of the administrator denying a permit or declaring a structure to be illegal, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of this Code and applicable law and accordingly affirm or reverse the appealed decision. The Board may direct the Administrator to issue the permit or statement permitting the structure in accordance with its decision or may remand the matter for further consideration and investigation consistent with the Board's ruling. [Amended 8-24-2020 by Ord. No. 2020-55]
- E. Decisions. All decisions of the Board of Zoning Appeals Zoning Board of Appeals on appeals initiated hereunder shall be final and reviewable only in the Courts in accordance with the applicable Statutes of the State of Illinois. However, the aggrieved party may appeal to the City Council if his or her appeal is rejected by the vote of less than five members of the Board of Zoning Appeals Zoning Board of Appeals; the Director of Economic and Community Development may appeal to the City Council if he or she believes the Board's decision reversing his action violates the intent of this Code. To receive consideration by the City Council, the aggrieved party or the Director of Economic and Community Development must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms: [Amended 10-26-2020 by Ord. No. 2020-69]

**Notice of Appeal of Zoning Administration Interpretation**

I, the undersigned, appealed an order, requirement, decision or determination of the Director of Economic and Community Development. Less than five members of the Zoning Board of Appeals concurred in the action which rejected my appeal. I, therefore, request that the City Council review the record of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals' administrative public hearing and make a final administrative determination thereon.

(Signature) \_\_\_\_\_

**Notice of Appeal of ~~Board of Zoning Appeals~~ Zoning Board of Appeals Administrative Interpretation**

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

Chapter 44.

(Signature)\_\_\_\_\_

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

§ 44-1713 [Ch. 44, 17-13] Zoning Enforcement Officer.

A. Duties [...]

(10) Receive, file and forward to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals all applications for appeals, special uses, authorized variations, or other matters on which the ~~Board of Zoning Appeals~~ Zoning Board of Appeals is required to pass under this Code;

(11) Forward to the Economic and Community Development Department all applications for special use permits, amendments, and other matters which are to be referred to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation Commission, or the Planning Commission.

B. Building permit requirements. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Economic and Community Development. No building permit shall be issued by the Director of Economic and Community Development except in conformity with the provisions of this Code and Chapters 10 and 24 of the Bloomington City Code, 1960, as amended, unless he or she receives a written order from the ~~Board of Zoning Appeals~~ Zoning Board of Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment as provided by this Code.

**Note: changes also recommended to other sections of the City Code, for consistency**

§ DT-1 Derivation Table

Decision-making bodies (~~Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation Committee, Planning Commission)

§ 2-302A In addition to the operating departments named in the preceding section, there shall also be the following Boards and Commissions: [Amended 10-26-2020 by Ord. No. 2020-75]

Bloomington-Normal Sister Cities Committee

Board of Fire and Police Commissioners

Board of Library Trustees

~~Board of Zoning Appeals~~ Zoning Board of Appeals

**DATE:** October 5, 2022  
**CASE NO:** Z-24-21, Text Amendments  
**ITEM:** Combined Revisions to Chapter 44 – Definitions, Excluded Residential, Process/Structure/Reference Cleanup

- Text changed during 9/7/22 Commission meeting.
- Text proposed for change at 10/5/22 Commission meeting.

**§ 44-106 [Ch. 44, 1-6] Application.**

The regulations and requirements for the districts established by this Code are to apply [...]

C. No lot or yard existing on the effective date of this Code shall be reduced in dimension or area below the minimum requirements set forth herein, unless a variation for such reduction is granted by the ~~Zoning Appeals~~ Zoning Board of Appeals in accordance with § 44-1708 of this Code.  
 [...]

**§ 44-201 [Ch. 44, 2-1] Establishments of districts.**

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

[...]

**§ 44-203 [Ch. 44, 2-3] District Boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the [...]

J. Where, due to the scale, lack of detail, illegibility, or where physical features existing on the ground are at variance with those shown on the Official Zoning Map, and there exists any uncertainty, contradiction or conflict as to the intended location of any boundary as shown thereon, the Director of Economic and Community Development shall make an interpretation of said map upon request of any person and within a reasonable period. Any person aggrieved by such interpretation may appeal such interpretation to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals pursuant to § 44-1712.

[...]

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

B. Allowed Uses Table.

Table 302A: Agricultural District - Permitted and Special Uses		
	A	Reference
<b>Agricultural</b>		
Agriculture	P	
Apiary, Beekeeping	P	§ 44-1005

**Table 302A: Agricultural District - Permitted and Special Uses**

	A	Reference
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 Unit, 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

[...]

§ 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>										

**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>Household Living</b>										
Dwelling <a href="#">Unit</a> , Single-Family	P	P	P	P	P	P	P		P	
Dwelling <a href="#">Unit</a> , Single-Family Attached					S	P	P		P	<a href="#">§ 44-1046</a>
Dwelling <a href="#">Unit</a> , Two-Family			S	S	P	P	P		P	<a href="#">§ 44-1046</a>
Dwelling <a href="#">Unit</a> , Multiple-Family					S	P	P		P	
Dwelling <a href="#">Unit</a> , Multiple-Family Conversion (2 units)					S				P	§ 44-1040
Dwelling <a href="#">Unit</a> , 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>Residential-Type</b>										
Domestic Violence Shelter					P	P	P		P	
<a href="#">Home for the Aged Assisted Living Facilities</a>						S	S		S	§ 44-1019
<b>Other Institutional, Cultural</b>										
[...]										
<b>Offices</b>										
Office Conversion									S	§ 44-1041
Medical or Dental Office or Clinic							S		S	§ 44-1024
<a href="#">Materials Testing Facility</a>							<u>S</u>		<u>S</u>	
Medical Laboratory <a href="#">Facility</a>							S		S	

[...]

§ 44-405 [Ch. 44, 4-5] **Development standards applicable to residential districts.**

A. ~~Reserved. Temporary sales. Temporary sales that may be allowed in residential districts are garage sales, auction sales of real estate or estate disposition, and neighborhood block sales that do not use public right of way. Such sales may be conducted so long as the following requirements are met:~~

- ~~(1) No more than three garage/group sales are held on the same premises during any calendar year.~~
- ~~(2) The duration of said sales is limited to no more than three consecutive days or two consecutive weekends and during daylight hours.~~
- ~~(3) A group sale shall be considered as having been conducted for and by all premises from which merchandise is contributed or on which merchandise is sold.~~

~~(4) The Director of Economic and Community Development or his or her appointee may enter any premises within the City of Bloomington to determine compliance with this section or any applicable Code and may terminate said sale if violations are found; and [Amended 10-26-2020 by Ord. No. 2020-69]~~

~~(5) Sound systems can only be used at an auction.~~

[...]

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

B. Allowed Uses Table.

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
<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 <a href="#">Unit</a> , Single-Family				p <sup>2</sup>		p <sup>1</sup>	
Dwelling <a href="#">Unit</a> , Single-Family Attached	<a href="#">S</a>	<a href="#">P<sup>1</sup></a>	S		P	p <sup>1</sup>	<a href="#">§ 44-1046</a>
Dwelling <a href="#">Unit</a> , Two-Family		p <sup>1</sup>	S	p <sup>2</sup>	P	p <sup>1</sup>	<a href="#">§ 44-1046</a>
Dwelling <a href="#">Unit</a> , Multiple-Family	<a href="#">S</a>	p <sup>1</sup>	S	p <sup>2</sup>	P	P	
Live/Work Unit	<a href="#">S</a>	<a href="#">P<sup>1</sup></a>	S	p <sup>2</sup>	P	P	
<b>Group Living</b>							
[...]			S	p <sup>2</sup>	P		<a href="#">§ 44-1019</a>
<b>Residential-Type</b>							
Domestic Violence Shelter	P		P	P	P		
<a href="#">Home for the Aged Assisted Living Facilities</a>	<a href="#">S</a>	<a href="#">P<sup>1</sup></a>	P		S	<a href="#">P</a>	<a href="#">§ 44-1019</a>
<b>Other Institutional, Cultural</b>							
Clubs and Lodges	P	P	P	S	P		<a href="#">§ 44-1012</a>
Food Pantry	P	P	P		P		<a href="#">§ 44-1018</a>
Libraries			P	P	P		
Museums and Cultural Institutions			P	P	P	P	
<b>[...]</b>							
<b>Offices</b>							
Financial Services	P	P	P	P	P		
General Offices, Business or Professional	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
<a href="#">Materials Testing Facility</a>	<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 <a href="#">Facility</a>	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>Storage and Equipment Yards</b>							
Mini Warehouses	S						§ 44-1026
Parking Lot, Commercial	S	S	S	S		S	
<a href="#">Warehouse</a>	<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			

[...]

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

B. Allowed Uses Table.

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

	M-1	M-2	Reference
<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 <a href="#">Unit</a> , Single-Family	p <sup>2</sup>	p <sup>2</sup>	
Dwelling <a href="#">Unit</a> , Multiple-Family	S	S	

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

	M-1	M-2	Reference
<b>INSTITUTIONAL</b>			
<b>Education</b>			
Business and Trade Schools	P		
<b>Government</b>			
[...]			
<b>Offices</b>			
Financial Services	P		
General Offices, Business or Professional	P	P	
<a href="#">Materials Testing Facility</a>	<a href="#">P</a>	<a href="#">P</a>	
Medical or Dental Office or Clinic	P		§ 44-1024
Medical Laboratory <a href="#">Facility</a>	P	P	
Printing, Copying and Mailing Services	P	P	
Research Facility or Laboratory	S	p <sup>1</sup>	
[...]			
<b>INDUSTRIAL</b>			
[...]			
<b>Manufacturing and Production, Heavy</b>			
Asphaltic Concrete Plants		S	§ 44-1006
Chemicals and Allied Industries		P	
Food and Kindred Industries	<a href="#">S p<sup>1</sup></a>	P	
Paper and Allied Products Industry	P	P	
[...]			
<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	
<a href="#">Warehouse</a>	<a href="#">P</a>	<a href="#">P</a>	
<b>Transportation</b>			

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

	M-1	M-2	Reference
Bus and Taxi Passenger Terminals	P		
[...]			
Notes:			
1.	A Special Use is required when the use adjoins a Residential District boundary line.		

[...]

§ 44-605 [Ch. 44, 6-5] **Development standards applicable to manufacturing districts.**

A. Industrial transition areas.

[...]

- (3) Land use. Land uses permitted in said Industrial Transition Areas shall be those listed in the M-1 District. For residential, entertainment and hospitality, personal services and retail and service uses that require a special use, the Board of Zoning Appeals shall consider the following factors, in addition to the standards in § 44-1707. Land use. Land uses permitted in said Industrial Transition Areas shall be those listed in the M-1 District. For residential, entertainment and hospitality, personal services and retail and service uses that require a special use, the ~~Board of Zoning Appeals~~ [Zoning Board of Appeals](#) shall consider the following factors, in addition to the standards in § 44-1707.

[...]

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

B. Allowed Uses Table.

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

	P-1	P-2	P-3	Reference
<b>Agricultural</b>				
Agricultural		P	P	
Apiary, Beekeeping	S	S	S	§ 44-1005
<a href="#">Chicken-Keeping</a>	<a href="#">S</a>	<a href="#">S</a>		
Forestry		P	P	
Horticultural Services			P	
Urban Agriculture	S	P	P	
Urban Garden	P	P	P	
<b>RESIDENTIAL</b>				
<b>Household Living</b>				
Dwelling <a href="#">Unit</a> , Single-Family	P			
Dwelling <a href="#">Unit</a> , Single-Family Attached	P	P		<a href="#">§ 44-1046</a>
Dwelling <a href="#">Unit</a> , Two-Family	P			<a href="#">§ 44-1046</a>
Dwelling <a href="#">Unit</a> , Multiple-Family	P	P		
[...]				

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

	P-1	P-2	P-3	Reference
<b>Residential-Type</b>				
Adult and Juvenile Detention Facilities		S		
Domestic Violence Shelter	P			
<a href="#">Home for the Aged Assisted Living Facilities</a>		<a href="#">§ P<sup>1</sup></a>		§ 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	
[...]				
<b>COMMERCIAL</b>				
[...]				
<b>Offices</b>				
Financial Services			p <sup>3</sup>	
General Offices, Business or Professional			P	
<a href="#">Materials Testing Facility</a>	<a href="#">P</a>	<a href="#">S</a>		
Medical or Dental Office or Clinic	P			§ 44-1024
Printing, Copying and Mailing Services	P		P	
Recording and Broadcast Studios			P	
[...]				
<b>INDUSTRIAL</b>				
[...]				
<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	
<a href="#">Warehouse</a>			<a href="#">P</a>	
<b>Transportation</b>				
Airports and Landing Fields			P	§ 44-1003
Airport Passenger Terminals			P	
Bus and Taxi Passenger Terminals	P		p <sup>3</sup>	

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

	P-1	P-2	P-3	Reference
Heliports, Heliport Terminals			P	
Rail Passenger Terminals			p <sup>3</sup>	
[...]				
Notes:				
1.	A Special Use is required when the use adjoins a Residential District boundary line.			
2.	Maximum permitted height is 45 feet or three stories, whichever is lower.			
[...]				

§ 44-802 [Ch. 44, 8-2] **Aircraft Noise Impact District.**

[...]

C. Variations. The City shall consult and obtain a written recommendation from the Bloomington-Normal Airport Authority prior to consideration of any variation to this § 44-802. The Construction Board of Appeals shall be responsible for reviewing variations of the provisions of this § 44-802 pertaining to building construction and/or acoustical insulation. The ~~Board of Zoning Appeals~~ **Zoning Board of Appeals** shall be responsible for reviewing all other variations of this § 44-802 not pertaining to building construction or sound insulation.

[...]

§ 44-907 [Ch. 44, 9-7] **Temporary uses.**

A. ~~Farmers' markets and~~ Temporary sales on business premises, including Farmers' Markets. ~~A farmers' market may be permitted as an accessory use to any principal permitted use in B-1, B-2, C-1 District; or as an accessory to school, place of worship or other institutional use in all districts.~~ Temporary sales of goods and services may be conducted on the premises of business in any nonresidential zoning district. The following requirements shall apply:

- (1) ~~Excluding farmers' markets,~~ No more than three temporary sales may be held on the same premises during any calendar year.
- (2) ~~Excluding farmers' markets,~~ The duration of temporary sales shall be limited to no more than three consecutive days and during the regular hours of the principal business.
- ~~(3) Farmers' markets may be conducted on a weekly or semi-weekly basis for a period of up to six consecutive months during any calendar year.~~
- (3) ~~(4)Farmers' markets and~~ Sales by other than the principal business or principal use must be licensed by the City of Bloomington. Such license shall be granted upon submission of the following:
  - (a) Description of good/services to be sold;
  - (b) Duration of the sale including days and hours of operation;
  - (c) Site plan showing the location of the proposed ~~farmers' market or~~ sale approved by the Economic and Community Development Department; **[Amended 10-26-2020 by Ord. No. 2020-69]**

[...]

~~(4) (5)~~ Sales by the principal business itself shall be without a license, bond, liability insurance, etc. except that the activity must be registered with the City of Bloomington. Said registration shall require the submission of the items described in § 44-907A(3)(a), (b), (c) and (l). **[Amended 8-24-2020 by Ord. No. 2020-55]**

~~(5) (6)~~ No ~~farmers' market or~~ sale on a parking lot shall be allowed that would obstruct traffic in the lot or reduce the number of parking spaces for the principal business below the number required by City Code.

- (6) ~~(7)~~ No ~~farmers' market or~~ sale shall be allowed closer than 15 feet from the front property line.
- (7) ~~(8)~~ No farmers' market or sale will be allowed that involves the use, placement, distribution, or sale of hazardous materials as determined by the Bloomington Fire Chief or his or her designee.
- (8) ~~(9)~~ No food sale for consumption shall be allowed without approval of the McLean County Health Department.
- (9) ~~(10)~~ Where businesses abut a residential property, no farmers' market or sale will be allowed without the installation of an opaque fence at least six feet high to protect said property from the activity.
- (10) ~~(11)~~ The premises must be cleaned of goods and debris after each ~~farmers' market or~~ sale.
- (11) ~~(12)~~ No sound system shall be used in conjunction with the ~~farmers' market or~~ sale.

(12) ~~(13)~~ Farmers' markets

- (a) A farmers' market may be permitted as an accessory use to any principal permitted use in B-1, B-2, C-1 District; or as an accessory to school, place or worship or other institutional use in all districts.
- (b) In addition to the allowances for other temporary sales, Farmers' markets may be conducted on a weekly or semi-weekly basis for a period of up to six consecutive months during any calendar year.

[...]

E. Temporary sales in residential districts. Temporary sales that may be allowed in residential districts are garage sales, auction sales of real estate or estate disposition, and neighborhood block sales that do not use public right-of-way. Such sales may be conducted so long as the following requirements are met:

- (1) No more than three garage/group sales are held on the same premises during any calendar year.
- (2) The duration of said sales is limited to no more than three consecutive days or two consecutive weekends and during daylight hours.
- (3) A group sale shall be considered as having been conducted for and by all premises from which merchandise is contributed or on which merchandise is sold.
- (4) The Director of Economic and Community Development or his or her appointee may enter any premises within the City of Bloomington to determine compliance with this section or any applicable Code and may terminate said sale if violations are found; and
- (5) Sound systems can only be used at an auction.

F. Temporary outdoor storage (in shipping containers, storage containers, or in trailers) of materials for charitable and philanthropic organizations in business and manufacturing districts shall be permitted in front, rear, and side yards subject to the following:

- (1) Temporary outdoor storage shall be accessory to a principal permitted use;
- (2) Such temporary outdoor storage shall not be in any way that impedes on-site circulation or the use of any required off-street parking or loading spaces required by Article XII of this Code;
- (3) A permit for temporary outdoor storage use shall be obtained from the Economic and Community Development Director prior to the placement of any containers or materials. **[Amended 10-26-2020 by Ord. No. 2020-69]**
- (4) No containers shall be permitted on a site more than 90 days in any calendar year.

G. All signs and their use shall comply with 14 of the Bloomington City Code, 1960, as amended.

[...]

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

On a lot devoted to a permitted principal use, customary accessory uses, and structures are authorized

subject to the following standards and any applicable off-street parking requirements:

[...]

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

[...]

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

## Article X [Ch. 44, 10] Use Provisions

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

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, the keeping of up to four chickens may be permitted with Special Use Permit as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, the keeping of up to four chickens with Special Use Permit, plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.

[...]

### § 44-1014 [Ch. 44, 10-14] Community reception establishments.

[...]

- I. Special use permit.

[...]

- (2) All special use permits for community reception establishments shall be reviewed on an annual calendar year basis by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals in liaison with the Director of Economic and Community Development and the City Fire Marshal to insure compliance with the City Code. [Amended 10-26-2020 by Ord. No. 2020-69]

[...]

### § 44-1029 [Ch. 44, 10-29] Refractory lined pit burners.

[...]

- E. Special use permit. The applicant for a special use permit shall submit written documentation to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals verifying compliance with all Illinois Environmental Protection Agency requirements and performance standards for refractory lined pit burners.

[...]

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

[...]

- E. Private solar energy conversion.
    - (1) Building or roof-mounted systems.
- [...]
- (2) Freestanding systems.

[...]

(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.

[...]

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

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

[...]

**§ 44-1103 [Ch. 44, 11-3] Nonconforming uses of land.**

A. A nonconforming use may be continued so long as it remains otherwise lawful, provided:

[...]

- (4) A special use permit may be granted authorizing the change of a nonconforming use to another nonconforming use, provided that the City Council, after a public hearing by the Bloomington ~~Board of Zoning Appeals~~ Zoning Board of Appeals, shall find that the proposed use more compatible to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Code.

[...]

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

[...]

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

[...]

**§ 44-1208 [Ch. 44, 12-8] Off-street parking requirements.**

Table 1208E: Off-Street Parking Requirements

Recreational; Fairgrounds, agricultural exhibits; Spaces equivalent to 30% of peak daily attendance, as adduced from testimony before the ~~Board of Zoning Appeals~~ Zoning Board of Appeals

[...]

**Article XV Planned Unit Developments**

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

[...]

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

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

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

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

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

[...]

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

[...]

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

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

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

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

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

[...]

**ABUTTING (ADJACENT, ADJOINING, CONTIGUOUS)**

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

**ACCESSORY BUILDING OR STRUCTURE OR USE**

An accessory building, structure or use is one which:

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

[...]

**AGENCY-OPERATED FAMILY HOME**

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

~~Permit specifically so provides. Agency-operated family homes shall be separated from one another by a distance of at least 1,000 feet.~~

### **AGENCY-OPERATED GROUP HOME**

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

### **AGENCY-SUPERVISED HOME**

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

### **AGRICULTURAL (AGRICULTURAL USES)**

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

[...]

### ~~**AIR CURTAIN INCINERATOR**~~

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

[...]

### **ALLEY**

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

### **ALTERATION**

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

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

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

[...]

## **ANIMAL RUN**

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

[...]

## **APIARY (BEEKEEPING)**

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

[...]

## **ARBOR**

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

## **ARCHITECTURAL FEATURE**

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

[...]

## **ASSISTED LIVING FACILITIES**

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

A special combination of housing, supportive services, personalized assistance, and/or health care designed to respond to the individual needs of those who need help with activities of daily living because of age or medical condition. This also includes independent living, elderly housing, nursing homes, and hospices

[...]

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

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

[...]

## **BASEMENT (CELLAR)**

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

## **BASE STATION**

A lawfully constructed structure at a fixed location that enables FCC-licensed or authorized

wireless communications between user equipment and a communications network, but does not encompass a tower or any equipment associated with a tower. The term includes but is not limited to radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

[...]

**BEEKEEPING.** See “Apiary”.

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

[...]

**BIRTHING CENTER**

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

[...]

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

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

[...]

**BOARDING AND ROOMING HOUSE**

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

[...]

**BOOK, STATIONERY STORES, NEWSSTANDS**

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

**BROADCAST STUDIO.** See “Recording Studio”.

**BUFFER**

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

[...]

**BUILDING MATERIALS AND SUPPLIES**

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

**BUILDING SETBACK (REQUIRED YARD)**

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

**BUILDING SETBACK LINE (REQUIRED YARD LINE)**

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

[...]

**BUILDING, RESIDENTIAL**

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

[...]

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

**BUILDING, TEMPORARY**

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

[...]

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

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

[...]

**CANOPY**

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

[...]

**CELLAR. See "Basement".**

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

**CEMETERY**

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

[...]

**~~CHARITABLE ORGANIZATION (PHILANTHROPIC ORGANIZATION)~~**

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

[...]

**CLOTHING CARE**

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

[...]

**CLUSTER SUBDIVISION**

~~A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the subdivision is located, in return for the provision of permanent open space. A development design technique that concentrates buildings in specific areas on a site to allow the~~

~~remaining land used for recreation, common open space, or the preservation of historically or environmentally sensitive features.~~

[...]

### COLLEGE (UNIVERSITY)

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

[...]

### COMMERCIAL. See "Business".

[...]

### **COMMON RECREATION SPACE**

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

[...]

### ~~**CONVALESCENT HOME**~~

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

[...]

### CREMATORY

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

[...]

### ~~**CURRENCY EXCHANGE**~~

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

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

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

### DAY-CARE CENTER

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

#### A. CHILD DAY-CARE HOME

A premises in which care is provided for more than three children that is licensed by the Illinois

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

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

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

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

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

[...]

**DIAGNOSTIC LABORATORY TESTING FACILITY**

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

[...]

**DISPLAY PUBLICLY**

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

[...]

**DRIVE-IN**

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

[...]

**DWELLING**

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

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

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

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

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

**D. MULTIPLE-FAMILY**

A type of Dwelling. A dwelling containing three (3) or more dwelling units, with or without a

shared entrance, whether integrated vertically or horizontally.

**DWELLING UNIT, ATTACHED**

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

**DWELLING UNIT, DETACHED**

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

**DWELLING UNIT, MULTIPLE-FAMILY**

A dwelling containing more than two dwelling units.

**DWELLING UNIT, SINGLE-FAMILY**

A dwelling, containing one dwelling unit.

**DWELLING UNIT, SINGLE-FAMILY ATTACHED**

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

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

A dwelling containing two dwelling units with a common entrance.

[...]

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

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

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

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

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

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

[...]

**ELEEMOSYNARY**

Of, relating to, or supported by charity.

**ELECTRICITY PRODUCTION PLANT**

An industrial facility for the generation of electric power. An electricity production plant contains one 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**

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

[...]

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

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

**FABRICATED METAL INDUSTRIES**

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

[...]

**FISH HATCHERY**

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

[...]

## **FRONTAGE**

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

[...]

## **FURNITURE AND FIXTURES INDUSTRIES**

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

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

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

[...]

**GLARE.** See "Lighting, Glare".

[...]

## **GRADE**

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

## **GROCERY STORE, SUPERMARKET**

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

[...]

## **GROUP LIVING**

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

[...]

## **GUESTS, PERMANENT**

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

[...]

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

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

[...]

## **HOME FOR THE AGED**

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

~~or marriage. Such terms shall not include the following:~~

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

[...]

## **HOTEL (MOTEL, MOTOR HOTEL)**

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

[...]

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

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

[...]

## **IMPROVEMENT**

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

## **INFRASTRUCTURE**

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

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

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

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

## **INSTRUCTIONAL STUDIO**

A small-scale facility, typically accommodating no more than two groups of students at a time, in no

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

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

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

**JUNKYARD (SALVAGE YARD)**

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

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

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

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

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

**LOT**

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

- A. AREA The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.
- B. LINE, FRONT That lot line which is abutting a public street or private street.
- C. LINE, REAR That lot line which is most distant from and is roughly parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- D. LINE, SIDE Any lot line which is not a front or rear lot line.
- E. OF RECORD A lot which is part of a subdivision recorded in the office of the McLean County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- F. CORNER A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.
- G. DEPTH The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- H. FRONTAGE The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered as having lot frontage.
- I. INTERIOR A lot which faces on one street or with opposite sides on two streets.

- J. LINE A property line dividing one lot from another, or from a street, pedestrian way, or railroad right-of-way.
- K. NON-CONFORMING (See "nonconforming lot.")
- L. OUT A lot depicted on a Final Subdivision Plat which does not meet the requirements of this Code for lots of record and which may not be used for building or parking lots.
- M. REVERSED CORNER A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135°) to the general pattern in the area. A reversed corner lot may also be a corner lot, an interior lot or a through lot.
- N. THROUGH A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- O. WIDTH The horizontal distance between side lot lines of a lot measured at the required front yard setback line.
- P. ZONING A parcel of land that is designated by its owner at the time of applying for a building permit as one lot, all of which is to be used, developed, or built upon as a unit under single ownership. Such lot may consist of: a. single recorded lot; b. a portion of a recorded lot; or c. a combination of complete recorded lots, complete recorded lots and portions of recorded lots, or portions of recorded lots.

## **LOT AREA**

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

## **LOT LINE, FRONT**

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

## **LOT LINE, REAR**

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

## **LOT LINE, SIDE**

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

## **LOT OF RECORD**

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

## **LOT, CORNER**

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

## **LOT, DEPTH**

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

## **LOT, FRONTAGE**

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

## **LOT, INTERIOR**

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

## **LOT, LINE**

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

## **LOT, NON-CONFORMING**

(See "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**

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

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

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

[...]

### **MATERIALS TESTING FACILITY**

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

[...]

### **MEDIA SHOP**

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

### **MEDICAL CENTER**

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

### **MEDICAL LABORATORY FACILITY**

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

[...]

### **MODULAR UNIT**

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

[...]

**MULTIFAMILY CONVERSION** See “DWELLING, CONVERSION”.

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

[...]

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

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

[...]

**NATURAL GAS PRODUCTION PLANT**

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

[...]

**NUCLEAR POWER PLANT**

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

[...]

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

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

[...]

**OUTDOOR STORAGE**

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

**~~OUTDOOR STORAGE, BULK~~**

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

**~~OUTDOOR STORAGE, NON-BULK~~**

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

**~~OUTDOOR STORAGE, SEASONAL~~**

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

[...]

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

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

[...]

**PARKING LOT**

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

[...]

## **PARKING LOT LANDSCAPING**

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

[...]

## **PARTY WALL**

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

## **PEDESTRIAN WAY**

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

[...]

## **PERFORMANCE STANDARD**

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

[...]

## **PERVIOUS SURFACE**

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

[...]

## **~~PLACE OF OUTDOOR ASSEMBLY~~**

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

## **PLACE OF WORSHIP**

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

[...]

## **PRIMARY ENTRANCE**

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

[...]

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

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

[...]

## **REDEVELOPMENT.**

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

## **REFRACTORY LINED PIT BURNER**

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

## **REFUSE**

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

## **REFUSE DISPOSAL SERVICES**

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

[...]

## **REQUIRED PARKING**

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

[...]

## **RESTAURANT (CAFETERIA)**

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

[...]

## **RESTAURANT, SMALL**

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

## **RETAIL SALES, GENERAL**

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

[...]

## **RIDING STABLE (RIDING SCHOOL)**

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

## **RIGHT-OF-WAY**

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

[...]

## **ROOFLINE**

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

[...]

## **ROOMING HOUSE**

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

[...]

## **RUBBER AND PLASTIC INDUSTRIES**

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

[...]

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

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

[...]

**SALES, TEMPORARY**

The disposition of goods or services, except in a completely enclosed building, that by its nature is temporary and except when involving the use of vacant land, could be determined as incidental or accessory to an existing principal use. "Temporary sales" includes garage sales, ~~and~~ sales to dispose of the assets of an estate, and Farmer's Markets.

[...]

**SENIOR HOUSING**

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

[...]

~~**SHELTERED CARE HOME**~~

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

[...]

**SOLID WASTE DISPOSAL AREA**

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

[...]

**SPECIALTY FOOD SHOP**

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

~~sells food products for home preparation and consumption, convenience, and household goods, and secondarily sells prepared food items.~~

[...]

## **SWIMMING CLUB**

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

[...]

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

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

[...]

## **TEMPORARY STRUCTURE OR USE**

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

## **TEMPORARY BUILDING**

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

## **TERRACE**

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

[...]

## **TEXTILE MILL PRODUCTS INDUSTRIES**

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

[...]

## **TOWER**

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

[...]

## **TOWNHOUSE See “Dwelling, Single-Family Attached.”**

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

[...]

## **TRADE AND CONSTRUCTION SERVICES**

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

and decorating, and plumbing and heating.

[...]

## **TRANSPARENCY**

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

## **TREE**

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

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

## **TRELLIS**

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

[...]

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

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

[...]

## **UTILITY FACILITY, MINOR**

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

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

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

[...]

## **VEHICLE**

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

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

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

#### **VEHICLE FUELING STATION**

See "automobile service station."

#### **VEHICLE RENTAL SERVICE**

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

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

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

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

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

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

See "junkyard (salvage yard)."

#### **VEHICLE STORAGE**

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

[...]

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

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

#### **WAREHOUSE**

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

[...]

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

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

(Reserved)

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

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

#### **YARD**

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

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

line involved with the public street.

#### **YARD, FRONT**

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

#### **YARD, REAR**

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

#### **YARD, SIDE**

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

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

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

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

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

[...]

#### **ZOO**

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

[...]

#### **§ 44-1702 [Ch. 44, 17-2] Decision-making bodies. (~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation Committee, Planning Commission).**

##### **A. General.**

- (1) Terms. A person appointed to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic  
[...]
- (2) Officers.
  - (a) Officers of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation  
[...]

##### **B. Board of Zoning Appeals Zoning Board of Appeals.**

- (1) Creation. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals of the City of Bloomington, Illinois, which has been duly created by the City Council, is the ~~Board of Zoning Appeals~~ Zoning Board of Appeals referred to in this Code.
- (2) Composition. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall consist of seven members who are residents of the City of Bloomington, Illinois, and all of whom shall be

[...]

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

[...]

##### **D. Filing fees.**

[...]

- (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.

[...]

§ 44-1707 [Ch. 44, 17-07] Special Uses.

[...]

F. Action by ~~Board of Zoning Appeals~~ Zoning Board of Appeals.

- (1) Hearing. Upon receipt in proper form of the application and supporting material referred to above, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall hold a least one administrative public hearing on the proposed Special Use in the manner provided in § 44-1705. If any variations to the regulations of this code would otherwise be necessary for the development proposal, such review procedure shall be deemed to occur simultaneously with the Zoning Board of Appeals' administrative public hearing and recommendation on the special use permit application.
- (2) Recommendation. For each special use application, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein.

[...]

H. Standards of approval. No special use application shall be recommended by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals or approved by the City Council unless all of the following factors are found: [...]

I. Conditions and guarantees. Prior to the granting of any special use application, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the

[...]

§ 44-1708 [Ch. 44, 17-08] Variations.

A. Applicability.

- (3) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall have the power to authorize, upon application, variations to this Code-except where in conflict with other provisions of this section, and to allow the enlargement and structural alterations of nonconforming structures. Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent.
- (4) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals may grant variations only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.
- (5) The ~~Board of Zoning Appeals~~ Zoning Board of Appeals may grant variances from the provisions or requirements of the Sign Code only where the Standards for Variations (§ 44-1708F) are met.
- (6) Any and all variations to this Code granted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals prior to January 9, 1996 are hereby authorized and validated.
- (7) Under no circumstances shall the ~~Board of Zoning Appeals~~ Zoning Board of Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land expressly or by implication prohibited by the terms of this Code in said zoning district.

[...]

E. Action by ~~Board of Zoning Appeals~~ Zoning Board of Appeals. Upon receipt in proper form of the application and supporting material referred to above, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall hold a least one administrative public hearing on the proposed variation in the manner provided in § 44-1705.

F. Standards for variations. A variation from the terms of this Code shall not be granted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals unless and until findings of fact are submitted demonstrating all the following factors are met:

[...]

I. Decisions. All decisions of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals on variations initiated hereunder shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, et seq.) However, the aggrieved party may appeal to the City Council if a variation is rejected by the vote of less than five members of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals; the Director of Economic and Community Development may appeal to the City Council if he or she believes the Board's decision allowing the variations

violate the intent of this Code. To receive consideration by the City Council the aggrieved party or the Director of Economic and Community Development must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms: [Amended 10-26-2020 by Ord. No. 2020-69]

### Notice of Appeal

I, the undersigned, have requested and made application for a variation. Less than five members of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals concurred in the action which rejected my application.

I, therefore, request that the City Council review the record of the administrative hearing conducted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals and make a final administrative determination thereon.

(Signature)\_\_\_\_\_

### Notice of Appeal

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

(Signature)\_\_\_\_\_

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

[...]

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

[...]

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

- (1) Notify the applicant in writing within ~~five~~ ten business days that the application for demolition must be reviewed before proceeding.
- (2) Within ~~five~~ ten business days, forward a copy of the application to the Preservation Commission chairperson and any standing committee of the Preservation Commission that is empowered to review demolition permits.

[...]

- (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.

#### § 44-1712 [Ch. 44, 17-12] Administrative appeals.

A. Authority. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, or determination made by the Director of Economic and Community Development. [Amended 10-26-2020 by Ord. No. 2020-69]

B. Initiation. An administrative appeal may be taken to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals by any property owner, the City Council, or parties to an enforceable purchase option contract aggrieved by an administrative order, requirement decision, or determination under this Code

[...]

- C. Application requirements. An administrative appeal shall be filed made by filing a written notice of appeal, specifying the grounds of the appeal, in the Economic and Community Development Department. The appeal shall thereafter be forwarded to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals within 20 days. [Amended 10-26-2020 by Ord. No. 2020-69]
- D. Administrative public hearing. The ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall conduct an administrative public hearing on all appeals duly initiated hereunder.

[...]

**Notice of Appeal of Zoning Administration Interpretation**

I, the undersigned, appealed an order, requirement, decision or determination of the Director of Economic and Community Development. Less than five members of the Zoning Board of Appeals concurred in the action which rejected my appeal. I, therefore, request that the City Council review the record of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals' administrative public hearing and make a final administrative determination thereon.

(Signature) \_\_\_\_\_

**Notice of Appeal of ~~Board of Zoning Appeals~~ Zoning Board of Appeals Administrative Interpretation**

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

(Signature)\_\_\_\_\_

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

[...]

**§ 44-1713 [Ch. 44, 17-13] Zoning Enforcement Officer.**

**A. Duties**

[...]

- (10) Receive, file and forward to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals all applications for appeals, special uses, authorized variations, or other matters on which the ~~Board of Zoning Appeals~~ Zoning Board of Appeals is required to pass under this Code;
- (11) Forward to the Economic and Community Development Department all applications for special use permits, amendments, and other matters which are to be referred to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, Historic Preservation Commission, or the Planning Commission.

- B. Building permit requirements. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Economic and Community Development. No building permit shall be issued by the Director of Economic and Community Development except in conformity with the provisions of this Code and Chapters 10 and 24 of the Bloomington City Code, 1960, as amended, unless he or she receives a written order from the ~~Board of Zoning Appeals~~ Zoning Board of Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment as provided by this Code.