

CITY OF BLOOMINGTON

2024 - 015

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF BLOOMINGTON (CHAPTER 44) RELATING TO ACCESSORY USES, FENCING REQUIREMENTS, PARKING REQUIREMENTS, AND DEFINITION AND FIGURE CLARIFICATIONS, AND ADDING TO THE SCHEDULE OF FEES (CHAPTER 1)

**Adopted by the City Council
of the City of Bloomington
on March 25, 2024**

Published in pamphlet form by authority of the City Council of the City of Bloomington, McLean County, Illinois, on March 26, 2024.

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)


CERTIFICATE

I, Leslie Smith-Yocum, certify that I am the duly appointed and qualified municipal clerk of the City of Bloomington, County of McLean, Illinois.

I further certify that on the Corporate Authorities of the above municipality passed and approved Ordinance No. 2024 - 015, entitled, **An Ordinance Approving Text Amendments to the Zoning Code of the City of Bloomington (Chapter 44) Relating to Accessory Uses, Fencing Requirements, Parking Requirements, and Definition and Figure Clarifications, and Adding to the Schedule of Fees (Chapter 1)**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of this Ordinance, including the Ordinance and cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the municipal building, commencing on March 26, 2024, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Bloomington, Illinois, on 03/26/2024



Amanda Stutsman
Deputy City Clerk



ORDINANCE NO. 2024 - 015

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF BLOOMINGTON (CHAPTER 44) RELATING TO ACCESSORY USES, FENCING REQUIREMENTS, PARKING REQUIREMENTS, AND DEFINITION AND FIGURE CLARIFICATIONS, AND ADDING TO THE SCHEDULE OF FEES (CHAPTER 1)

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

WHEREAS, pursuant to § 44-1706B, staff of the Economic and Community Development Department of the City of Bloomington, McLean County, Illinois, initiated a request to amend the text of the Zoning Code [Chapter 44] relating to Accessory Uses, Fencing Requirements, Parking Requirements, and Definition and Figure Clarifications; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted public hearings on said request to amend the text of the Bloomington City Code Chapter 44, relating to Accessory Uses, Fencing Requirements, Parking Requirements, and Definition and Figure Clarifications, as set forth in Exhibit “A”; and

WHEREAS, following said public hearings, the Bloomington Planning Commission made findings of fact that the proposed text amendments are in the public interest, and recommended that the City Council pass this Ordinance; and

WHEREAS, appropriate implementation of the proposed text amendments to § 44-17 requires the addition of new fees to the City’s Schedule of Fees in § 1-125; and

WHEREAS, the City Council is authorized to adopt this Ordinance and approve said text amendments.

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. The Council hereby adopts the findings of fact of the Bloomington Planning Commission and the request to amend Chapter 44 to incorporate the language relating to Accessory Uses, Fencing Requirements, Parking Requirements, and Definition and Figure Clarifications, set forth in Exhibit “A,” is hereby approved and said Chapter is amended accordingly.

Section 3. The request to amend Chapter 1 to incorporate two additional line items into the Schedule of Fees, set forth in Exhibit “B,” is hereby approved and said Chapter is amended accordingly.

Section 4. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 5. The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

Section 6. 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 7. This Ordinance shall take effect ten (10) days after its approval and publication as required by law.

PASSED this 25th day of March 2024.

APPROVED this 26th day of March 2024.

CITY OF BLOOMINGTON



Mboka Mwilambwe, Mayor

ATTEST



Amanda Stutsman, Deputy City Clerk



EXHIBIT A**Amendments to the Zoning Code of the City of Bloomington, Illinois [Chapter 44]**

Additions are indicated by underlining; deletions are indicated by ~~strikeout~~.

§ 44-402B. Allowed Uses Table

Table 402A: Residential Districts - Permitted and Special Uses										
Agricultural	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
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	

§ 44-702B. Allowed Uses Table

Table 702A: Public Interest Districts - Permitted and Special Uses				
Agricultural	P-1	P-2	P-3	Reference
Agricultural		P	S	
Apiary/Bee Keeping	S	S	S	§ 44-1005
Chicken Keeping	S	S		§ 44-1011
Forestry		P	P	
...				

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

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, the keeping of up to four chickens may be permitted ~~with special-use permit~~ as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, the keeping of up to four chickens ~~with special-use permit~~ plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- C. Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.
- D. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. This does not include a standard privacy fence which encloses the yard area along the property line.
- E. Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of 10 feet from all property lines.

- F. All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.
- G. All chicken-keeping uses shall be permitted in accordance with the General Permitting Requirements, as found in Section 17-16.

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§ 44-1716 [Ch. 44, 17-16] General Permitting Requirements for certain Accessory Uses.

A. Purpose

- (1) Any Owner of a property with the intent to establish an accessory use which requires permitting, including but not limited to chicken-keeping, must apply for and receive an Accessory Use Permit, and thereafter register annually.

B. Application requirements.

- (1) An application for an Accessory Use Permit shall be submitted on the form provided by the Economic and Community Development Department.
- (2) Applications shall conform to the requirements of § 44-1703. The information requested on the application is deemed to be a minimum, and the Applicant may be required to supply additional information on their request.
- (3) All applications shall be accompanied by the associated filing fee as set forth in Chapter 1, § 1-125, "Schedule of Fees" and shall be filed with the Economic and Community Development Department.
- (4) In addition, the application shall provide the following information on one or more sheets:
 - (a) The common description (street address), legal description, and tax parcel identification number (PIN) of the premises on which the accessory use would be situated.
 - (b) The names and physical addresses of all owners of the property (no post office box addresses will be acceptable in lieu of physical address.)
 - (c) Description of proposed structures and/or equipment to be utilized and scope of work to be completed on site.
 - (d) A sketch plan of the property with dimensions indicating property boundaries, elevations, distances of the accessory use from all property lines, and setback and dimensions of any structures associated with the accessory use.
 - (e) A photo or illustrated example of any equipment or structures proposed to support the accessory use.
 - (f) A signed statement from the Applicant(s) acknowledging the requirements of this Section.
- (5) Statements made on the application shall be accepted as prima facie true and correct in any administrative or court proceeding.

- (6) Incomplete Application. Any application lacking the information required by this section will not be considered complete and will not be accepted for purposes of establishing the accessory use.
- C. Application Processing. The City shall approve or deny an application for an Accessory Use Permit within 30 days of receiving a complete application as provided below:
- (1) The City shall notify the Applicant of an incomplete application within 15 days of submission. Such notification shall include a specific list of materials missing from the application and shall provide the basis in Code, or other applicable law, for requiring submission of such material. Transmission of this notification shall toll (pause) the 30-day review period until supplemental materials are received by the City.
 - (2) Upon receipt of supplemental materials, the City shall review such materials and, if the application remains incomplete, provide written notification to the Applicant within 10 days.
 - (3) The City shall notify the Applicant, in writing, of any decision to approve or deny an Accessory Use Permit. Any decision to deny shall describe the reasons for such denial, which shall be consistent with the Bloomington City Code.
 - (4) Resulting decisions may be appealed pursuant to the provisions of § 44-1712.
- D. Annual Registration. Before January 1 of each calendar year, all existing Accessory Use Permits shall require registration to remain valid.
- (1) Registration may require additional information, based on changes to Code related to the permitted use or site conditions of the permitted use, from the initial application.
 - (2) Registrations while continuing the accessory use, and still in compliance with the registered site plan, shall be assessed a registration fee as set forth in the Schedule of Fees (§ 1-125).
- E. Transfer of ownership. Accessory Use Permits are not transferable. All accessory uses must be re-permitted with a change of property ownership. New owners who fail to acquire a permit as required by this section shall, after a thirty-day grace period, be considered to have failed to obtain an appropriate permit and, upon conviction thereof, be subject to a fine of not less than \$50.00, nor more than \$500.00, for each day the active accessory use remains unpermitted.
- F. Non-Compliance. If the Director of Economic & Community Development or designee, determines that an accessory use is not permitted, the Director or designee shall provide notice, sent by first class mail, to the Owner of the property requesting the Owner complete an Accessory Use Permit application. Such notice shall state the reasons for the determination. The Owner shall, within ten days of notification, apply for such permit from the Department of Economic & Community Development. Notification shall have been deemed to have been received within four days of the mailing of the subject notice.
- G. Inspections, complaints, and penalties shall be enforced pursuant to § 44-1715.
- H. Discontinuation. Permits for accessory uses that are not registered by February 1 shall be deemed to be terminated. An Applicant may reapply for an Accessory Use Permit pursuant to the provisions in this section.

§ 44-910 Fence Regulations.

B. Fence materials.

(1) Residential fences shall not be constructed of wire mesh, barbed wire, electrically charged fence, or topped with sharp-edged material. In residential districts, chain ~~link~~ link fence may be allowed in the rear yard when not visible from the street.

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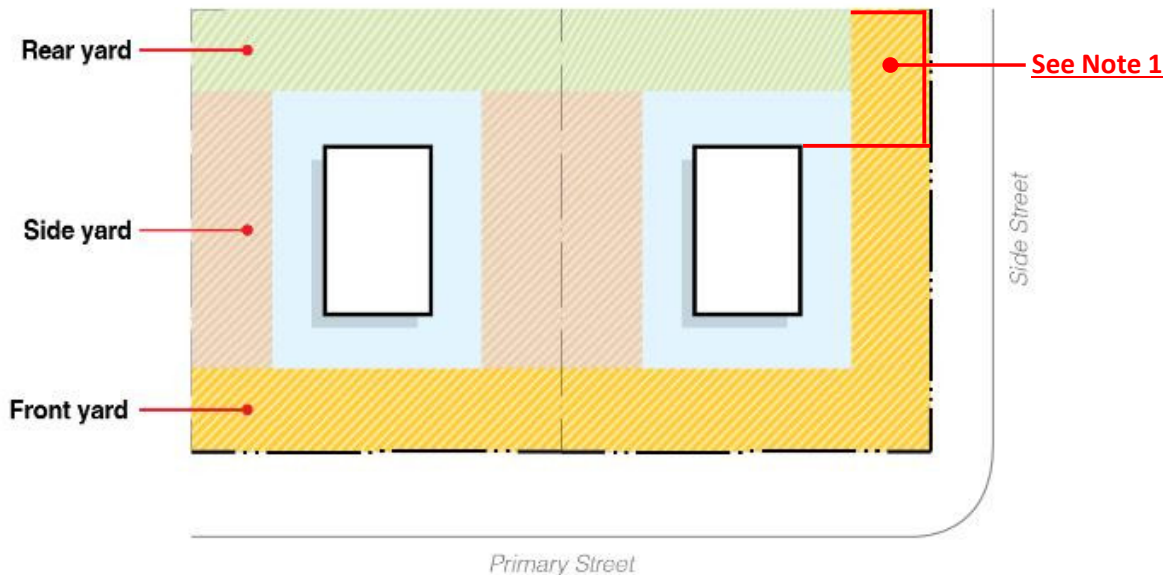
C. Maximum Fence Height in Required Yards

Table 910: Maximum Permitted Fence Height				
Districts	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Any Location No Fence Taller Than</u>
Agricultural Districts	8 feet	8 feet	8 feet	<u>8 feet</u>
Residential Districts	4 feet ¹	6 feet	6 feet	<u>6 feet</u>
Business Districts	4 feet	8 feet	8 feet	<u>8 feet</u>
Manufacturing Districts	-	-	-	<u>-</u>
Public Interest Districts	4 feet	8 feet	8 feet	<u>8 feet</u>

Notes:

1. On Residential District corner lots, fences are allowed to extend up to six feet in height in the Front Yard area immediately adjacent to the nearest rear corner of the principal structure closest to the street. Fences over four feet in height must maintain a minimum setback of three feet from the Front Yard property line and may not impact Sight Distance Requirements per Section 44, 9-9.

Diagram 910
Maximum Permitted Fence Height



§ 44-1204 [Ch. 44, 12-4] Shared parking facilities.

A. Shared parking.

- (1) Purpose. Shared parking is encouraged as a means of conserving land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.
- (2) Authorization. Shared parking facilities for off-street parking of two or more buildings or uses may be approved by the Economic and Community Development Director subject to compliance with this section.
- (3) Location.
 - (a) Shared parking facilities for residential uses shall be located within ~~300~~ 1,000 linear feet of the ~~primary entrance of the main building property~~.
 - (b) Shared parking facilities for all other uses shall be located within ~~500~~ 1,000 linear feet of the ~~primary entrance of the main building property~~.
 - (c) A shared parking facility shall only be authorized in a Residential District if it serves one or more residential uses exclusively.
- (4) General requirements.

...

- (7) Agreement. The applicant(s) shall provide a copy of the executed shared parking lease or agreement prior to the City's authorization of a shared parking facility.
 - (a) Shared parking leases or agreements shall have a term of not less than five years, including any renewals at the option of the lessee.
 - (b) Authorization of the shared parking facility will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required by this section.

~~B. On-street and public parking.~~

- ~~(1) In a Business or Public Interest District, the use of adjacent on-street parking or publicly-owned parking facilities to meet a portion of the minimum off-street parking requirements shall be permitted, provided the following conditions are met:
 - ~~(a) On-street spaces are located adjacent to the property or public parking facilities (i.e., public lots or parking structures) are located within 500 linear feet of the primary entrance of the main building;~~
 - ~~(b) No more than 50% of the off-street parking requirement provided through on-street spaces, public lots, or parking structures;~~
 - ~~(c) The intensity of the use and its parking requirements will not have a substantial adverse impact to surrounding uses; and~~
 - ~~(d) There is no negative impact to existing or planned traffic circulation.~~~~

~~(2) A parking demand study may be required to demonstrate that adequate available spaces exist on street or in a public parking facilities.~~

§ 44-1205 [Ch. 44, 12-5] Location and yard requirements.

- A. Parking spaces required for all nonresidential and multifamily uses shall be located on the same lot, ~~or~~ an adjoining lot, or a lot under common ownership with the primary use lot located within 1,200 feet of the property. provided however, that Wwhere 10 or more parking spaces are required, such parking spaces may also be provided in a shared parking facility subject to requirements of § 44-1204.

§ 44-1206 [Ch. 44, 12-6] Parking design standards.

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H. Dimensional standards.

- (1) Off-street parking spaces shall be designed in accordance with Table 1206I: Dimensional Standards for Parking Spaces and Aisles.
- (2) All parking spaces shall have a minimum vertical clearance of seven feet.
- (3) Compact spaces. Up to 30% of all provided parking spaces may be compact vehicle parking spaces. Dimensions for compact spaces are shown in Table 1206I.
- (4) All parking spaces and aisles shall comply with the following minimum requirements.

Table 1206I: Dimensional Standards for Parking Spaces and Aisles

	0°		45°		60°		90°	
	(Parallel)		Typical	Compact	Typical	Compact	Typical	Compact
	Typical	Compact						
A - Width of Aisle: One-Way	11 feet	11 feet	12 feet	12 feet	16 feet	16 feet	20 feet	20 feet
B - Width of Aisle: Two-Way	12 <u>24</u> feet	12-24 feet	20 feet	19 feet	20 feet	19 feet	24 feet	23 feet
C - Width of Space	8.5 feet	8 feet	8.5 feet	8 feet	8.5 feet	8 feet	8.5 feet	8 feet
D - Depth of Space	20 feet	19 feet	19 feet	18 feet	20 feet	19 feet	18 feet	17 feet

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

- A. Minimum requirements. Except as otherwise expressly provided herein, off-street parking spaces shall be provided in accordance with the parking ratio requirements of Table 1208E.

B. Parking demand study. For the purposes of determining required parking for an unlisted use or in consideration of application for shared or reduced parking, ~~the Economic and Community Development Director may require the submittal of~~ a parking demand study may be required that analyzes parking demand ~~of the Institute of Traffic Engineers (ITE) or Urban Land Institute (ULI)~~, and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity and location. Off-street parking requirements may also be modified to be in accordance with National Industry Standards, at the discretion of the Economic & Community Development Director, in coordination with the Director of Operations & Engineering Services.

C. Exemptions.

- (1) When the application of the off-street parking regulations specified hereinafter results in a requirement of not more than three parking spaces for any nonresidential use, such parking spaces need not be provided. However, where two or more uses are located on a single lot, only one of these uses shall be eligible for the above exemption. In no instances shall this exemption apply to dwelling units.
- (2) The minimum number of off-street parking spaces required by Table 1208E of this Code shall be waived for nonresidential uses in the D-1 Central Business District and the D-2 (Downtown Transitional) District established by § 44-501 of this Code.

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E. The minimum number of motor vehicle parking spaces shall be provided in accordance with Table 1208E, Motor Vehicle Parking Space Requirements, below.

Table 1208E: Off-Street Parking Requirements		
Use Category	Specific Use	General Requirement
AGRICULTURAL		
Agriculture	Aquaculture, aquaponics, hydroponics; horticultural services; medical marijuana cultivation; animal breeding services; fish hatcheries; poultry hatcheries	1 space per 600 GFA
...
Other Institutional and Cultural Uses	Clubs and lodges	1 space per 200 GFA
	Food pantry	Off-street parking requirements will be based upon the principal use of the structure containing the food pantry
	Libraries, museums, and cultural institutions	1 space per 250 <u>500</u> GFA
	<u>Museums and cultural institutions</u>	<u>1 space per 250 GFA</u>
...

Table 1208E: Off-Street Parking Requirements		
Use Category	Specific Use	General Requirement
RETAIL AND SERVICE		
...
	Mobile food and beverage vendor	1 space per 100 GFA
	Furniture sales	1 space per 600 GFA

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§ 44-1209 [Ch. 44, 12-9] Adjustments to required parking.

Notwithstanding Table 1208E, the following adjustments to required parking are permitted upon approval of the Director of Economic and Community Development. In no instance shall adjustments to required parking result in single-family or two-family uses providing fewer than one legal off-street parking space.

Table 1209: Adjustment to Required Parking		
Adjustment Type	Criteria	Adjustment Amount
Transit	Resident or nonresident use (other than an after-hours establishment) is located within 900 <u>1,320</u> feet of a public transit route.	10% reduction
Pedestrian Access	Nonresidential use is located where residents of all residential and mixed-use areas within 1,320 feet of the subject property can walk to and from the nonresidential use on a continuous sidewalk system (ignoring intervening streets).	10% reduction
Public Parking Lots	Nonresidential or residential use is located within 900 feet of a parking lot that is available for use by the public.	10% reduction <u>Three public parking lot spaces can be substituted for every one required off-street parking space.</u>
On-Street Parking	Single-family or duplex residential <u>Use</u> is located along one or more public street frontages where public parking is permitted.	On-street parking within 500 feet of any lot line may be credited to the parking requirement at a rate of one credit for every two legal on-street parking spaces. One legal on-street parking space (to a maximum of 2 parking spaces) can be substituted for every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose

Table 1209: Adjustment to Required Parking

Adjustment Type	Criteria	Adjustment Amount
		property 50% or more of the space is located.
	Multifamily residential or nonresidential use located along one or more public street frontages where public parking is permitted.	One legal on-street parking space can be substituted for 0.5 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment

§ 44-1210 [Ch. 44, 12-10] Other parking uses.

- ~~A. Carpool or vanpool vehicles. Parking spaces reserved, signed, and enforced for carpooling or vanpooling services may count as two regular parking spaces.~~
- ~~B. Car sharing services. Parking spaces reserved, signed, and enforced for car-sharing services may count as four regular parking spaces.~~

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§ 44-1213 [Ch. 44, 12-13] Bicycle parking requirements.

- A. Purpose. This section is established to ensure provision of bicycle parking facilities in furtherance a safe, complete, and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode.
- ...
- F. Motor vehicle parking reduction. Parking requirements may be reduced by one off-street parking space for every four bicycle parking spaces provided in excess of the minimum required by Table 1212E. ~~provided, however, that the total number of required motor vehicle parking spaces shall not be reduced by more than 10%. A maximum reduction of 50% of the total required off-street parking spaces shall be allowed.~~

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§ 44-802. S-1 Aircraft Noise Impact District

- C. **Variations.** The City shall consult and obtain a written recommendation from the ~~Bloomington-Normal~~ Central Illinois Regional 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 Zoning Board of Appeals shall be responsible for reviewing all other variations of this § 44-802 not pertaining to building construction or sound insulation.

EXHIBIT B**Amendments to The Schedule of Fees of the City of Bloomington, Illinois [Chapter 1]**

Additions are indicated by underlining; deletions are indicated by ~~strikeout~~.

ZONING (CHAPTER 44)**A. General Provisions****1. Accessory Buildings and Uses**

(a) Temporary Sales:

\$50.00 filing fee per location or annual fee of \$250.00 per month or portion of a month that delinquency has continued (9-7)

(b) Accessory Use Permit (Initial)\$100.00(c) Accessory Use Permit (Annual) Renewal\$25.00**B. Schedule of Fees ***

(44-17)

1. Text or Zoning Map Amendments:

\$325.00

2. Special Use Permits:

\$325.00

3. Planned Unit Developments:

See Ch. 24, Division 3

4. Legislative Site Plan Reviews:

\$325.00

5. Appeals:

\$325.00

6. Zoning Verification Letter:

\$15.00

7. Variation or Interpretation

\$325.00

*In addition to the filing fee cited hereinabove, the applicant shall be responsible for paying the City for the cost of any recording fees that result from City Council action on the subject case.