

**AN ORDINANCE AMENDING APPENDIX C-HEART OF PEORIA LAND DEVELOPMENT CODE RELATING TO THE COMBINATION OF THE PLANNING AND ZONING COMMISSIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix C of the Peoria City Code, being Ordinance No. 16,121 as adopted on June 12, 2007, and thereafter amended, is hereby amended by deleting the following stricken words and adding the following underlined words:

**2.0 Administration**

**2.1 REVIEW BODIES**

**2.1.1 Summary of Review Authority**

The following table summarizes the required review and approval authority provided under this development code.

	<b>Error! Reference source not found.</b>	<b>Error! Reference source not found.</b>	<b>Error! Reference source not found.</b>	<b>Error! Reference source not found.</b>	<b>Error! Reference source not found.</b>	<b>Error! Reference source not found.</b>	
<b>Procedure</b>	Zoning Administrator	Site Plan Review Board	Planning and Zoning Commission	Zoning Commission	Zoning Board of Appeals	City Council	Reference
Zoning Compliance Certificates	D	R					<b>Error! Reference source not found.</b>
Certificate of Occupancy	D						<b>Error! Reference source not found.</b>
Administrative Deviation	D						2.4
Uses Permitted with Administrative Approval	D						<b>Error! Reference source not found.</b>
Minor Variations without Site Plan Review	D						<b>Error! Reference source not found.</b>
Minor Variations with Site Plan Review	D	R					<b>Error! Reference source not found.</b>
Major Variations without Site Plan Review	R				<D>		<b>Error! Reference source not found.</b>
Major Variations with Site Plan Review	R	R			<D>		<b>Error! Reference source not found.</b>
Appeals					<D>		<b>Error! Reference source not found.</b>

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<b>Procedure</b>	Zoning Administrator	Site Plan Review Board	Planning and Zoning Commission	Zoning Commission	Zoning Board of Appeals	City Council	Reference
Amendments	R	R	<R>	<R>		<D>	Error! Reference source not found.
Special Use	R	R	<R>	<R>		<D>	Error! Reference source not found.
Official Development Plan	R	R	<R>	<R>		<D>	Error! Reference source not found.
Critical Traffic Management Areas	R	R				<D>	Error! Reference source not found.
Traffic Impact Analysis	R	R				R	Error! Reference source not found.
Subdivision Plat (with waiver)	R		<R>			<D>	Error! Reference source not found.
Subdivision Plat (without waiver)	D						Error! Reference source not found.
Tract Survey	D						Error! Reference source not found.
Multifamily Plan			<R>			<D>	Error! Reference source not found.
Certificate of Appropriateness (oNC only)	R	R	<D>	<D>			Error! Reference source not found.
Annexations	R		<R>			<D>	Error! Reference source not found.

**KEY:** R = Review or Recommendation    D = Final Decision    <> = Public Hearing

### 2.1.2 Zoning Administrator

The Director of ~~Planning and Growth Management~~ Community Development, or their designee, shall be the Zoning Administrator. The Director of ~~Planning and Growth Management~~ Community Development shall exercise the authority and perform the duties of Zoning Administrator as set forth below:

- A. Issue all zoning compliance and exception certificates and maintain records of certificates issued;
- B. Approve all certificates of occupancy;
- C. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this development code;
- D. Issue violation notices requiring compliance and advising suspected violators of their right to appeal; and to issue citations for violations of this development code;
- E. Request of the Building Official that all construction or work of any type be stopped when such work is not in compliance with this ordinance; and revoke any permit which was unlawfully issued without full compliance of the requirements of this ordinance or under fraudulent conditions;
- F. Review and approve or deny all applications for permitted use status under all zoning districts;
- G. Review and approve or deny all applications for principal uses not specifically listed as set forth in Article 5.0, Permitted Land Uses.
- H. Have possession of permanent and current records of this development code, including, but not limited to, all maps, amendments, special uses, variations, appeals, official development plans, site plan reviews and applications thereof;
- I. Conduct pre-application conferences where required;
- J. Receive, certify for completeness, and forward to the Planning and Zoning Commission all applications for special uses and for text and map amendments to this development code that are initially filed with the office of the Zoning Administrator;
- K. Review, process and decide upon those minor variation applications for which the Zoning Administrator has authority under this development code by either approving or denying such applications;
- L. Review, process and report findings and recommendations and forward appeals and variation requests to the Zoning Board of Appeals on those applications upon which the Zoning Board of Appeals is required to act;
- M. Call for meetings of the Site Plan Review Board, forward applications, site plans and related information to that Site Plan Review Board in all cases which require site plan review and as required in specific zoning districts under the provisions of this development code;
- N. Review, process and decide upon subdivision plats without waivers and tract surveys by either approving or denying such applications;
- O. Enforce all orders of the Zoning Board of Appeals;
- P. Conduct an annual study of the provisions of this development code, and make a report of recommendations to the Planning and Zoning Commission and City Council during January of each year or more often as deemed necessary;
- Q. Assist in providing public information relative to this development code;
- R. Conduct daily administration of the development code;
- S. Provide staff support for each entity listed;
- T. Issue permits when appropriate for uses allowed with administrative approval; and
- U. To make application for and provide evidence in support of the elimination of any restrictive covenants which run to the benefit of the City but which are not consistent with the provisions or objectives of this development code, and any amendments to this development code, which may be adopted.

### 2.1.3 Site Plan Review Board

- A. Establishment
  1. The Site Plan Review Board shall consist of representatives as designated by the Directors of ~~Planning and Growth Management~~ Community Development, Public Works, Inspections, and Chiefs of Police and Fire.
  2. The representatives may consist of persons with expertise in the following areas: planning, zoning administration, public works, traffic engineering, architecture, building inspections, public safety and landscape architecture. If the City has no person with expertise in one of these areas, the Zoning Administrator will recommend to the City Council a person with expertise in the non-represented area and request that person to be appointed to the Site Plan Review Board. The City Council may also appoint a non-voting member to the Site Plan Review Board to represent the art community in Peoria.

3. The Site Plan Review Board may adopt its own rules and regulations. The Zoning Administrator shall serve as chairperson. All meetings of the Site Plan Review Board shall be at the call of the chairperson or any two other members of the Board.
- B. Authority
1. Conduct a technical review of site plans and official development plans and find solutions to site plan problems which are compatible with the purposes of this development code.
  2. Approve and disapprove site plans submitted as part of any application for zoning certificates for permitted uses:
    - a. As required in the R6, R7, R8, CN, CG, B1, P1, I1, I2, I3 and N1 Base Districts;
    - b. As required in the Form Districts;
    - c. As required in the Overlay Districts; and
    - d. In Critical Traffic Management Areas.
    - e. The Site Plan Review Board may, as a condition of approval prior to the issuance of a zoning certificate, require the property owner to pay for certain adjacent off site improvements.
  3. Make findings and recommendations with respect to site plans submitted as part of any application for a:
    - a. Major variance;
    - b. Special use;
    - c. Official development plan;
    - d. Subdivision plat;
    - e. Planned Form Districts; or
    - f. Zoning certificate.
    - g. Findings and recommendation made pursuant to this paragraph shall, when applicable, become a part of the above judgment decision criteria with respect to any relief or remedies being sought. In circumstances where the foregoing relief has been sought, final authority resides with the Zoning Board of Appeals or City Council.
  4. Grant or deny applications for minor variances for any site in which it is required to approve or disapprove site plans in those cases where no timely objection has been filed.
  5. ~~Review, and submit comments to the Zoning Commission, on all proposed map amendments.~~  
Reserved.

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#### **2.1.4. Planning and Zoning Commission**

- A. Establishment and Rules of Procedure
1. The Planning and Zoning Commission is established pursuant to Chapter 23, Article III of the Peoria City Code.
  2. The Planning Commission shall adopt its own procedures.
- B. Authority
1. Receive and make findings and recommendations to the City Council on Neighborhood Conservation Plans proposed as amendments to the Comprehensive Plan for the designation of a Neighborhood Conservation Overlay District;
  2. Review all applications for subdivision plats with waivers, hold public hearings thereon and report findings and recommendations to City Council; and
  3. Review all applications for multi-family plans, hold public hearings thereon and report findings and recommendations to City Council.
  4. Hold public hearings, review, and make recommendations to the City Council concerning the Comprehensive Plan of the City and proposed annexations to the City.
  5. Review all applications for text and map amendments, hold public hearings thereon, and report findings and recommendations to the City Council in the manner prescribed in this development code;
  6. Review all applications for special use and official development plans, hold public hearings thereon and report findings and recommendations to City Council;
  7. Receive annually in the month of January from the Zoning Administrator recommendations as to the effectiveness of this development code as it relates to the purpose and intent of the regulations and any amendments the Zoning Administrator may recommend be made to the development code, and report the Zoning Commission's conclusions and recommendations on such matters to the City Council;
  8. To review, hold the hearing and report to the City Council, with recommendations, those matters not treated above, which the City Council has referred to it;
  9. Review all applications and recommendations from the Site Plan Review Board with respect to special exceptions under regulations governing Neighborhood Conservation Overlay Districts, hold public

hearings thereon, and make a final determination as to whether such special exceptions should be granted or denied;

10. To review, hold public hearings, and make recommendations to the City Council with respect to any application for elimination or changes in any existing covenants restricting land uses, which are enforceable by the City.

### **2.1.5. Zoning Commission Reserved**

#### **A. Establishment and Rules of Procedure**

- ~~1. The Zoning Commission is established pursuant to Chapter 23, Article IV of the Peoria City Code.~~
- ~~2. The Zoning Commission shall adopt its own procedures.~~

#### **B. Authority**

- ~~1. Review all applications for text and map amendments, hold public hearings thereon, and report findings and recommendations to the City Council in the manner prescribed in this development code;~~
- ~~2. Review all applications for special use and official development plans, hold public hearings thereon and report findings and recommendations to City Council;~~
- ~~3. Receive annually in the month of January from the Zoning Administrator recommendations as to the effectiveness of this development code as it relates to the purpose and intent of the regulations and any amendments the Zoning Administrator may recommend be made to the development code, and report the Zoning Commission's conclusions and recommendations on such matters to the City Council;~~
- ~~4. To review, hold the hearing and report to the City Council, with recommendations, those matters not treated above, which the City Council has referred to it;~~
- ~~5. Review all applications and recommendations from the Site Plan Review Board with respect to special exceptions under regulations governing Neighborhood Conservation Overlay Districts, hold public hearings thereon, and make a final determination as to whether such special exceptions should be granted or denied;~~
- ~~6. To review, hold public hearings, and make recommendations to the City Council with respect to any application for elimination or changes in any existing covenants restricting land uses, which are enforceable by the City.~~

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## **2.8 AMENDMENTS**

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### **2.8.2 Initiation of Amendments**

- A. Any person, firm, corporation, office, department, or other legal entity having an interest in land, or a possessory interest, option to purchase or a contractual interest which may become a freehold interest or any exclusive possessory interest, and which is specifically enforceable, may file an application for an amendment with the consent of the property owner.
- B. District boundary amendments may also be proposed by the City of Peoria.
- C. Amendments to the text of this development code may be proposed by the Planning and Zoning Commission, Zoning Administrator, or by any person.

### **2.8.3 Application for Amendment Procedure**

An application for an amendment to this development code shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator. The Zoning Administrator, upon receiving an application for amendment shall determine and certify that the application is complete, and shall forward it to the Planning and Zoning Commission for review, public hearing and a recommendation to the City Council. ~~All proposed map amendments shall be reviewed by the Site Plan Review Board prior to public hearing by the Zoning Commission.~~

### **2.8.4 Planning and Zoning Commission Hearing**

The Planning and Zoning Commission shall schedule a public hearing on any proposed amendment in accordance with existing procedures and the Statutes of the State of Illinois. Such public hearing shall be scheduled within 60 days after certification that the application is complete and all required submittals have been received. The public hearing shall be conducted and a written record of the proceedings shall be preserved by the Zoning Administrator acting as secretary to the Planning and Zoning Commission.

### **2.8.5 Notice Requirements for Public Hearing**

Not less than 15 days nor more than thirty 30 days prior to a public hearing for amendments, notice of the time and place of such public hearing shall be advertised by:

- A. Publication at least once in a newspaper of general circulation within the Heart of Peoria;
- B. Mailing of notices of the hearing by the City of Peoria to assesses, per department procedures, of the subject property and all property within 250 feet of the property of the subject property; and
- C. The posting of the Official Notice of Public Hearing Sign, by the petitioner per department procedures, on the subject property. The unauthorized removal of the Official Notice of Public Hearing Sign shall be deemed a violation of this development code.

**2.8.6 Findings of Fact and Recommendation of the Planning and Zoning Commission**

- A. The Planning and Zoning Commission shall submit written recommendations to the City Council within 45 days of the conclusion of the public hearing. Extension of this time period may be allowed by mutual written consent of the applicant and the Zoning Administrator. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following factors:
  - 1. Existing uses of property within the general area of the property in question;
  - 2. The zoning classification of property within the general area of the property in question;
  - 3. The suitability of the property in question to the uses permitted under the existing zoning classification;
  - 4. The trend of development, if any, in the general area of the property in question, including changes to land use or prior amendments to the zoning district regulations thereby altering conditions for use, and development of a property;
  - 5. The suitability of the property for the use or uses proposed by the proffered amendment;
  - 6. Investigation of other suitable ways of accomplishing the proposed purpose of the amendatory petition;
  - 7. The health, safety and general welfare of the Heart of Peoria in the general and immediate area of the property subject to the amendment in particular;
  - 8. The enjoyment of property by neighbors for its intended use;
  - 9. That granting the amendment is consistent with the purpose and intent of this development code (see 1.4 and 1.5); and
  - 10. That granting the amendment is consistent with the purpose and intent of the adopted plans (see 1.6).
- B. The Planning and Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment meets the finding of facts requirements, is not detrimental to the public interest, and is in keeping with the policies of the Official Comprehensive Plan of the City of Peoria. The Planning and Zoning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this development code, the R1 District shall be considered the highest classification and the I3 district shall be considered the lowest classification.

**2.8.7 Action by the City Council**

- A. The City Council shall not act upon a proposed amendment to this development code until it shall have received written report and recommendations from ~~the Site Plan Review Board and the~~ Planning and Zoning Commission on the proposed amendment. The report from the Planning and Zoning Commission shall incorporate their findings of fact as specified in 2.8.6. Upon receipt of such findings of fact the City Council shall consider the proposed amendment within 30 days of receipt of Planning and Zoning Commission written findings of fact and a recommendation. The City Council shall render its decision in a timely manner.
- B. The City Council shall take action on all proposed amendments to this development code forwarded to it by the Planning and Zoning Commission.

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**2.9 SPECIAL USES**

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**2.9.4 Application for Special Use**

- A. An application for a special use shall be filed with the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator, including, but not

limited to a detailed site plan, conceptual rendering and elevations. The site plan shall contain as a minimum the following:

1. Points of ingress and egress for the proposed development.
  2. Parking plan illustrating internal circulation for the proposed development.
  3. Sign plan for all activity.
  4. Landscaping, screening and buffering plans illustrating specific treatment for screening adjacent residential areas from undesirable impacts from the activity on the proposed site.
  5. Exterior lighting plan illustrating the location of all illuminating fixtures.
  6. Estimated traffic generation of the proposed development.
  7. Illustration of any special treatment of the proposed site that enhances the quality of design.
  8. Boundary lines; bearings, distances and acreage.
  9. Easements; location, width and purpose.
  10. Streets on, adjacent to, the tract; street name, right-of-way width, existing or proposed center line elevations, pavement types, walks, curbs, gutters, and culverts.
  11. Open space; all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
  12. Map data; name of development, north point, scale and date of preparation.
  13. An accurate legal description of the subject property.
  14. Designation of proposed use of the property, the location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put.
  15. Elevations.
- B. After the Zoning Administrator certifies the application to be completed, it shall be forwarded from the Zoning Administrator to the Site Plan Review Board for technical review and the Planning and Zoning Commission for public hearing and recommendation to the City Council.

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#### **2.9.6 Planning and Zoning Public Hearing**

The Planning and Zoning Commission shall hold a public hearing on each application at such time and place as shall be established by the Planning and Zoning Commission. Such hearing shall be scheduled not more than 60 days from the submitted date of a complete application for a special use by the Zoning Administrator. The public hearing shall be conducted and a written record of the proceedings shall be preserved.

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#### **2.9.8 Site Plan Review Board**

All applications for special uses shall be forwarded by the Zoning Administrator to the Site Plan Review Board for their review. The Site Plan Review Board shall review the site plan and report its findings and recommendations to the Planning and Zoning Commission within 30 days of the original filing of a certified complete application for said special use.

#### **2.9.9 Planning and Zoning Commission Findings**

For each application for a special use the Planning and Zoning Commission shall, within 45 days of the conclusion of the public hearing on the application, render its decision to recommend the proposed special uses and shall report its recommendations to the City Council together with findings of fact relating to each of the standards. In making its decision, the Planning and Zoning Commission shall keep a written record of findings relative to the standards for considering special use applications as listed below.

#### **2.9.10 Standards**

No special use shall be recommended by the Planning and Zoning Commission, unless it shall find that:

- A. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
- B. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located;
- C. 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 district;
- D. Adequate facilities, access roads, drainage and/or necessary facilities have been or will be provided;
- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

- F. The proposed special use is not contrary to (supports and furthers) the objectives of the adopted plans (see 1.6);
- G. If a public use or a use providing public utility service, that such use or service shall meet a demonstrable public need, and provide a public benefit;
- H. 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, in each instance, be modified pursuant to the recommendations of the Planning and Zoning Commission.

### **2.9.11 Conditions and Guarantees**

Prior to the granting of any special use, the Planning and Zoning Commission may recommend and the City Council may place such conditions and restrictions, upon the establishment, locations, construction, maintenance, and operation of the special use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards of requirements specified in 2.9.10. In all cases in which special uses are subject to conditions, the Planning and Zoning Commission may recommend and the City Council require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

### **2.9.12 Effect of Denial of Special Use**

No application for a special use which has been denied wholly or in part by the City Council, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or if proof of change of conditions is found to be valid by the Zoning Administrator.

### **2.9.13 Revocation**

In any case where a special use is not in place and in active use within two years from the date of granting, and/or in accordance with the terms of the special use originally granted, then, without further action by the Planning and Zoning Commission and the City Council, the special use, or authorization thereof, shall be null and void.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

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## **2.10 OFFICIAL DEVELOPMENT PLAN**

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### **2.10.3 Review of Application for Adoption or Amendment**

- A. The application by interested persons or City officials for approval or amendment of an official development plan shall be forwarded by the Zoning Administrator to the Site Plan Review Board. After reviewing the application, the Site Plan Review Board shall prepare recommendations and a technical review and shall forward the application, its review and recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission shall conduct a public hearing on the proposed official development plan, or amendment to such plan, pursuant to notice.
- B. Notice of any hearing on a proposed official development plan shall be provided in the same manner, and to the same persons as notices of an application for special uses.
- C. Where an amendment is being sought to a previously issued Official Development Plan where there are multiple owners of the property, the consent of a property owner or owners shall only be required from such owner or owners of property whose use, limitations or site requirements would be amended or changed by such application, with all other owners (whose properties are not so affected but are covered by the previously issued Official Development Plan) to be listed in the application for Official Development Plan and provided notice in accordance with the requirements of Section 2.9.7. Notwithstanding the foregoing, the applicant shall mail the other property owners notice of the proposed amendment of the Official Development Plan not less than fifteen (15) days nor more than forty-five (45) days prior to the Public Hearing. The applicant shall submit certification of the mailing of the notice of the proposed amendment of Official Development Plan prior to the Public Hearing.
- D. In the event that a variance or special use is sought in connection with the application for adoption of an official development plan, or an amendment thereto, the hearing on the proposed variance shall be conducted by the Planning and Zoning Commission at the same time as the hearing on the application for approval or amendment of the official development plan. The Planning and Zoning Commission shall make such findings as are relevant for consideration of variances or special uses.



#### 2.10.4 Standards

No official development plan shall be recommended by the Planning and Zoning Commission unless it shall make findings relevant to the following:

- A. The adoption of the official development plan, and maintenance of uses permitted or designated in the plan will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
- B. The uses, landscaping, parking, screening, and signage designated in the plan will not be injurious to the uses and enjoyment of other property in the immediate vicinity, and will not substantially diminish property values in the neighborhoods adjacent to the area designated in the plan.
- C. Adequate facilities, access roads, drainage, and/or other necessary facilities exist or will be provided.
- D. Measures have been or will be taken to provide adequate ingress and egress to minimize traffic congestion of public streets.

#### 2.10.5 Conditions and Guarantees

Prior to approval of any official development plan, the Planning and Zoning Commission may recommend and the City Council may place such conditions and restrictions on the land within the official development plan or upon the establishment, locations, construction, or operation of facilities described in the plan as it deems necessary for the protection of the public interest. Any such conditions, and the guarantees approved by the City Council shall become part of the plan and shall be enforceable in the same manner as all regulations contained in this development code.

#### 2.10.6 Approval of the Plan

After receiving recommendations from the Planning and Zoning Commission with respect to a proposed official development plan, the City Council may reject the proposed plan, refer it back to the Planning and Zoning Commission for further hearing, or adopt an ordinance approving the official development plan. The City Council must take action upon any proposed official development plan within 60 days of receiving recommendations from the Planning and Zoning Commission. Any official development plan which has been adopted pursuant to the provisions of this section shall be construed as an amendment to this development code, and a notation designating the adoption of such plan shall be placed on the Zoning District Map maintained by the Zoning Administrator. Copies of all official development plans which have been adopted shall be kept by the Zoning Administrator and shall be available for public inspection.

### 2.13 SUBDIVISION

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#### 2.13.6 Sketch Plan

##### A. Application

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##### 3. Lots to be Used for Duplex Development

The developer of a proposed subdivision will work with the Planning Director of Community Development in locating lots that are to be used for duplexes (two-family dwellings). These lots will be stated as such on both the preliminary and final plats and their number will not exceed ten percent of the total number of lots within each respective subdivision plat having ten or more lots. Any fraction thereof will be considered the next lowest number. For subdivision plats having five to nine lots, the Planning and Zoning Commission may grant one duplex lot. For subdivision plats having fewer than five lots, no duplex lots are permitted.

#### 2.13.7 Preliminary Plat

##### A. Filing of Preliminary Plat

The subdivider shall file with the Planning Community Development Director ~~4~~ 2 copies of a preliminary plat for reference to the Planning and Zoning Commission, and other officials as provided in this section. A letter shall be filed with the preliminary plat that states the ownership, the engineer, availability of water and sanitary sewer, requested variances, and other information pertaining to the commission's consideration.

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##### C. Distribution and Review

The Planning Community Development Director shall distribute copies of the preliminary plat to the appropriate City governmental agencies and districts. All adjoining property owners will be notified of preliminary plat hearing ten days in advance. The Planning Community Development Director shall review the preliminary plat and make recommendations thereon to the Planning and Zoning Commission.

**D. Failure of Planning and Zoning Commission to Act**

If the Planning and Zoning Commission fails to approve or disapprove a preliminary plat within 30 days after the date such plat is submitted to it or from the date the subdivider has submitted the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved.

**E. Effect of Approval**

1. Approval of the preliminary plat, including required modifications, indicates that if the final plat is substantially in conformance with the preliminary plat, the final plat will be approved.
2. Such approval shall be effective for no more than 12 months from the date preliminary approval was granted, unless, upon application from the subdivider, the Planning Community Development director grants an extension of time beyond this period. If a final plat has not been submitted within this allotted time period, the preliminary plat must be resubmitted to the Planning and Zoning Commission as if such plat had never been approved.

**F. Notification of Action**

The Planning and Zoning Commission shall give notice to the subdivider of its actions in the following manner:

1. If approved with modifications or disapproved, the Planning Community Development Director shall attach to the plat a statement of the reasons for such action and shall mark a copy of the plat in red accordingly and return it to the subdivider.
2. If approved, the Planning Community Development Director and the Planning and Zoning Commission chairman shall affix their signatures to the plat on the proper certificate, and the Planning Commission shall submit said plat to the City Council and the City Council shall accept or reject said plat within 30 days after its next regular meeting following the action of the Planning and Zoning Commission. Preliminary approval shall not qualify a plat for recording.
3. If the preliminary plat is approved by the City Council, the City Clerk shall attach a certified copy of the resolution of approval to a copy of the plat. If the proposed plat is not approved, the resolution shall state the reasons for disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to the requirements of development code.

**G. Disapproval of Preliminary Plat**

The preliminary plat may be disapproved by the Planning and Zoning Commission and/or City Council because the plat:

1. Fosters excessive population density; or
2. Fosters inefficient use of land area; or
3. The character of design is not compatible with adjacent development; or
4. The design is a substantial departure from the aesthetic standards of the community; or
5. Adequate infrastructure both within and supportive to the subject property is not in place or has not been provided for; or
6. The plat does not conform with the requirements of this section or Article 8.6, Subdivision Design Standards.

**2.13.8 Final Plat**

**A. Filing of Final Plat**

The subdivider shall file with the Planning Community Development Director the original and 32 copies of the final plat and one copy of area calculations, boundary closures, required easement and any other pertinent information within 12 months after the date the preliminary plat was approved. The Planning Community Development Director shall transmit the final plat if it is substantially in conformance with the preliminary plat as determined by the Planning Community Development Director and Planning and Zoning Commission chairman to the City Council, together with its report and recommendations thereon within 30 days after receipt of such plat. If such final plat is determined not to be in conformance with said preliminary plat, the final plat will be sent to the Planning and Zoning Commission for review.

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**2.13.9 Alternative Administrative Subdivision Approval Process**

**A. Intent**

The intent of the administrative approved subdivision is to provide an alternative process to review and approve certain subdivision plats and eliminate the requirement that all subdivision plats be reviewed by the Planning and Zoning Commission and approved by the City Council under the following circumstances:

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### 3.4 ZONING MAP

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#### B Rules of Interpretation

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

1. The district boundaries are either streets or alleys unless otherwise shown and where districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad right-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this development code, the Planning and Zoning Commission, after due hearing, may extend the regulations for either portion of such lot.

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### 3.5 REQUIREMENTS APPLICABLE TO ALL DISTRICTS

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#### 3.5.1 Rules of Interpretation

Land hereafter annexed to, or consolidated with, the City of Peoria shall be assigned to a Single Family Residential District (R3) unless the petition for annexation is accompanied by a petition for reclassification or a pre-annexation agreement, in which case the regular procedures for amendment petition hearings will be held by the Planning and Zoning Commission.

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### 4.4 INSTITUTIONAL DISTRICT

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#### 4.4.4 Building Envelope Standards

Structures in the N1 District shall meet the applicable building envelope standards as set forth below.

##### A. Yards

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2. Different distances between buildings and different provisions of open space may be specified on the official development plan in lieu of the above requirements, providing that perimeter yards shall be no less than 25 feet deep, or, if at least 50% of the block is developed on the effective date of this development code, the perimeter yard shall be the average of the existing setbacks or 25 feet, whichever is less. The minimum perimeter requirement may be varied when the Planning and Zoning Commission recommends and the City Council grants a variance reducing such requirement and makes the findings required for the grant of a variance under the provisions of this development code.

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#### 4.4.6 Off-Street Parking and Loading

The parking and loading requirements shall be as specified in 8.1, or as otherwise specified in the relevant Official Development Plan. It is recognized that at various stages of campus development the land uses and the off-street parking spaces required for the same, may not be exactly in balance. Notwithstanding the

foregoing, each Official Development Plan shall provide for an amount of parking which would be equal to or greater than the parking for the area specified in such plan which would be required under the provisions of 8.1. It is further provided that such overall required parking may be reduced in cases where the Planning and Zoning Commission recommends and the City Council grants a variance reducing such overall parking requirement and makes the findings required for the grant of a variance under the provisions of this development code.

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## 5.0 Permitted Land Uses

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## 5.3 USE STANDARDS

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### 5.3.4 Civic Use Standards

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#### E. Parks and Open Spaces

1. Passive recreational parks shall be approved through the administrative approval process (See 2.5) by the Zoning Administrator as long as all of the following standards are met:
  - a. The park does not include any activities which may have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor.
  - b. Any proposed structures are in compliance with the zoning district bulk regulations.
  - c. The park does not include any off-street accessory parking lots.
  - d. The park is less than 10 acres in size.
  - e. Parks that do not meet the above standards for administrative approval shall be approved through the Special Use approval procedures (see 2.9).
2. Active recreational parks are permitted when designated at the time of platting and subject to plan review for elements including, but not limited to, location of structures or activities, lighting, fencing, and parking, and approval of the City Planning and Zoning Commission and City Council. All other active recreational parks are subject to the Special Use approval procedures.

\*\*\*

### 5.3.4 Planned Unit Developments (PUDs)

#### A. The Purpose of the Planned Unit Development

The purpose of Planned Unit Developments are to provide a mechanism to accommodate development which is in the public interest, and would not otherwise be permitted pursuant to this ordinance. A PUD may be primarily commercial, industrial, residential, institutional, or mixed use.

A Planned Unit Development is of substantially different character than other uses described in this ordinance and is therefore a special use. The Planned Unit Development requirements and regulations allow for far more flexibility than those pertaining to other uses; therefore Planned Unit Developments shall be considered by the Planning and Zoning Commission and decided by the City Council on a case-by-case basis.

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#### B. Intent

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It is not intended that the City will automatically grant the use of exceptions or maximum density increases for all Planned Unit Developments, but it is expected that the City Council shall grant only such increases or uses which are consistent with the benefits accruing to the City as a result of the planned development. Therefore, the Planning and Zoning Commission may recommend and City Council may require as a condition of approval any reasonable condition, limitation or design factor which will promote proper development of a Planned Unit Development.

#### C. Authority

The Planning and Zoning Commission shall have the authority to review Planned Unit Developments and make recommendations to the City Council, including any waivers of the City's Zoning and Subdivision Regulations. The City Council shall have the final reviewing authority.

\*\*\*

#### **E. Procedure**

All required improvements, construction standards, design standards and all other engineering standards contained within the City's Subdivision Regulations must be complied with, except where specifically varied through the provisions of this section of the ordinance.

The City Council shall make final administrative decisions on Planned Unit Developments relying, in part, upon written findings and recommendations from the Planning and Zoning Commission, and the Site Plan Review Board.

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#### **F. Preapplication Conference**

Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a preapplication meeting with the Zoning Administrator.

The purpose of such a conference is to allow the Zoning Administrator, or his/her delegate, to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures which are at that time officially adopted and which may affect the proposed development, or consideration of said development by the Planning and Zoning Commission. Such a conference also allows the applicant to present a general concept of his/her proposed development prior to the preparation of detailed plans. The applicant shall present material including the following, at the Preapplication Conference:

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#### **G. Preliminary Plan**

The preliminary plan and application for the Planned Unit Development shall be submitted to the Zoning Administrator who, after certifying the application to be complete, shall forward it to the Site Plan Review Board for technical review and to the Planning and Zoning Commission for their consideration, public hearing and subsequent recommendation to the City Council. The Planning and Zoning Commission may request review of the Planned Unit Development by, and recommendations from other appropriate departments, offices and agencies it deems affected by the proposed development.

The required procedure for consideration and approval of the Preliminary Plan shall be:

1. Submission of the following:
  - a. Items (a) through (e) required for the preapplication conference.
  - b. Written application for approval of a Planned Unit Development shall be made on forms and in the manner prescribed by the City.
  - c. A statement of conformity with City's Subdivision and Zoning Regulations along with a list of any requested variations from this ordinance.
  - d. Copies of the Preliminary Planned Unit Development Plan and supporting data shall be submitted to the City for certification as to conformity with these PUD regulations, recommendations, and suggestions regarding the overall design.
2. Copies of the Preliminary Planned Unit Development Plan and supporting data may be made available to any other taxing district, which might be affected by the development. The Zoning Administrator or his/her designee may notify any other taxing district or entity of a filing of an application for a PUD which he/she deems may be affected by the development.
3. The Site Plan Review Board shall review the preliminary plan and submit written findings and recommendations to the Planning and Zoning Commission.
4. The Planning and Zoning Commission shall review and consider and hold a public hearing on each application for approval of a Planned Unit Development.
5. Following the public hearing, review of the preliminary plan, Site Plan Review Board findings and recommendations and other supporting data, the Planning and Zoning Commission shall make its findings and recommendations and send a written report to the City Council which shall include findings of fact, pursuant to Section 5.3.4.(11)(c)6, upon which its findings and recommendations are based. Such findings and recommendations shall include a recommendation for approval,

disapproval, or approval with modifications. This report to the City Council must be submitted within 60 days after the last session of the public hearing of the Planning and Zoning Commission or the Commission must indicate to the City Council why such report cannot be rendered within that time period.

6. The City Council shall act upon the recommendation within 120 days after receipt of the Planning and Zoning Commission's report. The City Council may approve with modifications, refer back to the Planning and Zoning Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for City Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.

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## H. Final Plan

The purpose of the Final Plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and building sites. Preliminary Plan shall generally locate buildings, whereas the Final Plan shall show the exact location of each building to be constructed and a designation of the specific internal use to which each building shall be put. The Final Plan also functions to inform all who deal with the Planned Unit Development of the restrictions placed upon the land and acts as a zoning control device.

The Final Planned Unit Development Plan shall conform substantially to the Preliminary Plan as approved, and if desired by the applicant, it may be submitted in stages, with each stage representing a unit of the approved Preliminary Plan which is recorded and to be developed; provided, however, that such unit conforms to all requirements of these regulations. The required procedure for approval of a Final Plan shall be:

1. The Final Plan and supporting data shall be filed with the Zoning Administrator for certification that the Final Plan is in conformity with these regulations and in agreement with the approved Preliminary Plan.
2. All Final Plans shall be accompanied by a written construction schedule for the development.
3. After review of the Final Plan and supporting data, the Zoning Administrator shall send his/her findings and recommendations for all final plans, which are found to substantially conform to the Preliminary Plan, to the City Council within 30 days of receipt of such final plan from the applicant. The City Council shall, within 60 days, act upon such recommendations. Disapproval of the Final Plan shall include a statement of the reasons thereof.

If the Zoning Administrator, upon his/her review finds major changes on the final plans, the plans shall be sent to the Planning and Zoning Commission for review subject to procedures and regulations for new Planned Unit Developments except that no pre-application conference shall be required.

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## K. Specific Content of Plan

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2. Preliminary Plan Stage
  - a. Detailed Plan

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- 17) Miscellaneous--Such additional documents as may be required by the Zoning Administrator. The Zoning Administrator shall inform the applicant of such requirements after the pre-application stage and again after the initial presentation of the Preliminary Plan to the Planning and Zoning Commission.

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- I. Community-Benefit Analysis:

If requested by the Zoning Administrator and Planning and Zoning Commission, a study shall be prepared indicating the fiscal impact of the Planned Unit Development on major taxing bodies which shall include but not be limited to the municipal corporation, school district(s), park district and other taxing bodies.

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m. Traffic Analysis:

If requested by the Zoning Administrator or the Planning and Zoning Commission, a study of the impact caused by the Planned Unit Development on the highway systems operating in the City will be required.

n. Environmental Analysis:

If requested by the Zoning Administrator or the Planning and Zoning Commission, the major impacts of the Planned Unit Development on the environment shall be analyzed and shall disclose all major negative impacts as defined from time to time by the City Council. Generally, these impacts would include effects on discrete ecosystems, deteriorated air quality in the immediate vicinity and along arterial and collector highway corridors leading to the Planned Unit Development, to a distance established by the City Engineer; any deterioration in the groundwater or surface water quality; effect on sensitive land areas identified by the City Council from time to time, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, or prairie landscapes, and mineral resource reserves.

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3. Final Plan Stage

a. Final Detailed Plan

A Final Plan, suitable for recording with the County Recorder of Deeds, shall be prepared by the petitioner.

The purpose of the Final Plan of the Planned Unit Development is to designate with particularity the land subdivision into conventional lots as well as the division of other lands, not so treated, into common open space areas and building areas, and to designate and limit the specific internal uses of each building, structure, and use of land. Final Plans and supporting data shall show in detail and design, the location and internal use of all buildings and the overall development, as well as such additional information as the City Council or the Planning and Zoning Commission may have required when approving the Preliminary Plan. The Final Plan of the Planned Unit Development shall include, but not be limited to:

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d. Use Exceptions

The Planning and Zoning Commission may recommend and the City Council may authorize that there be allowed in part of the area of a proposed Planned Unit Development, specified uses not permitted by the use regulations of the districts in which said development is located, provided that the Planning and Zoning Commission shall find:

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f. Finding of Facts

In reporting its findings and recommendations on a Planned Unit Development Preliminary Plan to the City Council, the Planning and Zoning Commission will submit findings of facts upon which it has based its recommended action. These findings of fact will relate to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:

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**7.0 Overlay Districts**

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**7.1 NEIGHBORHOOD CONSERVATION**

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**7.1.6 Certification of Appropriateness Required**

Except as otherwise provided for in this development code, it shall be unlawful for any person, firm, corporation or other legal entity to:

- A. Construct, reconstruct, alter, move, rehabilitate or demolish part of a building or structure within any Neighborhood Conservation Overlay District, or to cause or permit such work to be performed; or

- B. Use any building or structure originally constructed for use as a single dwelling unit for any other use except legal home occupations after one year from the designation of this overlay district; unless and until the Site Plan Review Board has issued a Certificate of Appropriateness specifically authorizing such work.
- C. The Planning and Zoning Commission may grant a Certificate of Appropriateness for an oNC Special Exception. The Planning and Zoning Commission may only grant a Certificate of Appropriateness for an oNC Special Exception in those specific instances where it finds that the petitioner's application meets the standards established in the Neighborhood Plan for the neighborhood and is specifically listed as an allowable exception use in 7.1.8. The Planning and Zoning Commission will review applications and recommendations from the Site Plan Review Board with respect to oNC Special Exceptions under regulations governing Neighborhood Conservation Districts, hold public hearings thereon, and make a final determination as to whether such special exception should be granted or denied.

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- H. Special Exception Status for Nonconforming Residential Conversion. The Planning and Zoning Commission may grant a Certificate of Appropriateness for an oNC Special Exception upon determination whether and under what specific conditions, if any, an oNC Special Exception may be warranted. The Planning and Zoning Commission may only grant a Certificate of Appropriateness for an oNC Special Exception in those specific conditions where it finds that the petitioners' application meets the standards of this section and is specifically listed as an allowable special exception in 7.1.8, or where they find that the petitioners' application is consistent with the Neighborhood Conservation Plan, and neighborhood regulations for the neighborhood in which the property is located.
- I. Revocation of Certificate of Appropriateness for a Special Exception. The Planning and Zoning Commission may revoke a Certificate of Appropriateness for an oNC Special Exception in those specific instances when it finds, upon holding an administrative hearing, that the standards for granting the special exception or the conditions originally applied by the Planning and Zoning Commission have not been complied with, or that the use to which the building, structure or lot is devoted is different from the use listed on the Certificate of Appropriateness.

#### **7.1.7 Procedures for Securing Certificate of Appropriateness**

- A. A Certificate of Appropriateness may be applied for by any person, firm, corporation or other legal entity having a free hold to exclusive possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase or any exclusive possessory interest which is specifically enforceable on the zoning lot or lots described in the application.
- B. An application for Certificate of Appropriateness shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator.
- C. The Zoning Administrator shall forward complete applications to the appropriate entity for review, fact finding and decision within 30 days of the Zoning Administrator's certification of receipt of a complete application and all required information.

##### **1. Application for Certificate of Appropriateness for Alteration**

In instances where an application involves alterations to an existing structure, new structure, or demolition, the Site Plan Review Board shall make the final administrative decision.

##### **2. Public Hearing Required**

- a. In instances involving Certificates of Appropriateness for Special Exceptions, the Site Plan Review Board shall review the application and send the application with their recommendation to the Planning and Zoning Commission to hold a public hearing. The hearing shall be conducted in the manner prescribed by Illinois statutes and the Planning and Zoning Commission shall render a final administrative decision.
- b. The Planning and Zoning Commission may grant the Certificate of Appropriateness with conditions or deny the application for a certificate.

#### **7.1.8 Allowable Special Exceptions Under the oNC**

The following uses, and no others, except those treated as uses with administrative approval, which the standards established in 7.1.9 below, may be authorized by the Planning and Zoning Commission as Special Exceptions under the oNC Overlay District in accordance with the provisions of 7.1.7 above:

- A. Two-family dwelling units (only on lots with minimum size of 7,500 square feet and a minimum width at building line of 50 feet).



- B. Three-family dwelling units (only on lots with a minimum size of 7,500 square feet and a minimum width of 50 feet).
- C. Day-care centers.
- D. Family care facilities.

#### **7.1.9 Standards and Criteria for Certificates of Appropriateness**

No Certificate of Appropriateness shall be issued unless the Site Plan Review Board or Planning and Zoning Commission finds that the applicant meets the following standards and criteria that the Site Plan Review Board or Planning and Zoning Commission, as applicable, determines are applicable for either physical changes or alterations or for Neighborhood Conservation Special Exceptions, or both:

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### **7.3 CONTROLLED THOROUGHFARE CORRIDOR**

#### **7.3.1 Intent Statement**

The purpose of a Controlled Thoroughfare Overlay District (OT) designation is to delineate those areas along thoroughfares that are susceptible to strip commercial development. Delineation of those areas provides for a special treatment which is designed to reduce negative impacts usually associated with strip development. Different treatments may be provided for different areas which are designed as part of the Overlay. Specifically, it permits the application of Special Zoning Districts upon approval by the Planning and Zoning Commission and adoption by the City Council designed to:

- A. Aggregate individual lots into larger parcels of land which will prevent the traditional lot by lot development with multiple access points.
- B. Establish thresholds of minimum land area to permit various levels of intensity which insures that the area to be developed has the physical capacity to adequately sustain the proposed development.
- C. Establish district themes that define the basic permitted uses but provide the flexibility of including other related uses under controlled conditions.
- D. Create development controls in the form of performance standards that will provide for creative and quality development while minimizing the impact of such development on surrounding properties.

#### **7.3.2 Procedure for Designation**

- A. The procedure for designating an area a controlled thoroughfare corridor is initiated by an analysis of the thoroughfare by the Planning Department to identify those areas susceptible to strip development. Based on its examination, the Planning Department shall develop a set of recommendations for the boundaries of the Overlay District and would make land use recommendations within the proposed District. The Planning Department shall identify and document the physical characteristics examined to arrive at their conclusions.
- B. The Planning Department shall submit its recommendations for the Controlled Thoroughfare Corridor boundaries to the Planning and Zoning Commission for review. The Planning and Zoning Commission shall conduct a public hearing notifying all affected property owners. Upon completion of the public hearing, the Planning and Zoning Commission shall forward its recommendations along with the recommendations of the Planning Department to the City Council for review and adoption. In addition, the Planning Department shall submit its recommendations for the future land use for the designated area to the Planning Commission.
- C. The Planning and Zoning Commission shall conduct a public hearing notifying the affected property owners. Upon completion of the public hearing, the Planning and Zoning Commission shall forward its recommendations along with those of the Planning Department to the City Council for review and adoption. The City Council shall not adopt the future land use until it has adopted the boundaries for the Controlled Thoroughfare Corridor designation. Upon adoption, the designated area shall be indicated on the Zoning District Map, and the Comprehensive Plan shall be amended to reflect the changes in land use.

#### **7.3.3 Permitted Districts**

The following districts are the only permitted districts for application of the Controlled Thoroughfare Corridor Overlay District in the Heart of Peoria:

- A. All Residential Districts (see 4.1); and
- B. The CN and CG Districts (see 4.2).

#### **7.3.4 Conditions for Specific Land Use Designations**

**A. General Conditions**

1. Once an area has been designated a Controlled Thoroughfare Corridor, requests for rezoning and actual changes granted in zoning classifications shall be in conformance with the requirements specified herein.
2. The Planning Department, upon initial examination, may recommend that designation occur in stages (e.g., several noncontiguous areas may be identified as being susceptible for strip development along a single corridor). In that event, the Planning Department may recommend further examination of each individual area to determine the boundaries and the appropriate land use recommendations.
3. The adopted Future Land Use Plan for a designated area shall carry the same status as the Future Land Use Map itself (e.g., a guide for future development subject to amendment and revision).
4. All development within the Controlled Thoroughfare Corridor Overlay District is subject to site plan review and approval by the Planning and Zoning Commission and the City Council. Site plans submitted for review and approval shall contain the minimum required site plan content for Special Uses pursuant to 2.9.

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**8.0 General Development Standards**

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**8.2 LANDSCAPING AND SCREENING**

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**8.2.16 Alternative Compliance**

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**C. Minor Adjustments to Existing Special Uses**

**1. Plan Submission**

When a minor adjustment to landscaping is planned for an existing special use the petitioner may either request a public hearing before the Planning and Zoning Commission and final approval by the City Council or they may submit the amended plan to the Zoning Administrator for review through Alternative Compliance.

**2. Zoning Administrators Authority**

The Zoning Administrator shall have the authority to determine whether the proposed adjustment will have any impacts other than on the landscaping. The Zoning Administrator shall have the authority to approve the proposed amendment or state that the request must be processed through the Planning and Zoning Commission and the City Council.

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**8.6.4 Buffer Management and Maintenance**

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B. The following structures, practices, and activities are permitted in the stream buffer located on privately owned property, with specific design and/or maintenance features, subject to the approval of the Planning Community Development Director:

1. Flood control structures;
2. Utility rights-of-way and facilities;
3. Biking and hiking paths;
4. Road crossings. Where permitted shall be generally perpendicular to the channel. The minimum number of road crossings should be used within each subdivision. An analysis needs to be conducted to ensure that no economically feasible alternative is available;
5. Stormwater management facilities as approved by the Director of Public Works;
6. Recreational and park uses as approved by the Planning Community Development Director;
7. Selective tree and vegetation clearing as approved by the Planning Community Development Director;
8. Sanitary sewers constructed towards the outside edge (greatest distance from the channel) to the extent practical.

The Director of Public Works must approve these practices and activities within City of Peoria rights-of-way. Appeals of the Director of Public Works review shall require the applicant to submit a plan through the standard Planning and Zoning Commission and City Council approval process.

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### 8.6.6 Waivers

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- B. Requests for waivers shall be submitted through the Planning and Zoning Commission and City Council. Waivers may be granted for the following:
  - 1. Those projects or activities where it can be demonstrated that strict compliance with this development code would result in a practical difficulty or financial hardship;
  - 2. Those projects or activities serving a public need where no feasible alternative is available.
  - 3. The buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets or exceeds the minimum requirement and no new structures are built within the 100-year floodway.
- C. The applicant shall submit a written request for a waiver to the Planning Community Development Director. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The Planning Community Development Director may require an alternative analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.
- D. In reviewing a request for a waiver, the Planning and Zoning Commission may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodways.
- E. The request for waiver along with the Planning and Zoning Commission's recommendation shall be forwarded to City Council for final approval.

### 8.6.7 Alternative Compliance

- A. Petitioners may choose to follow the buffer standards as described above or to submit a buffer plan under the alternative compliance provisions of this section. The alternative compliance provisions are intended to give the petitioner the flexibility needed to respond to unique site issues and client needs and still meet the intent of this section.
- B. Denial by the Planning Community Development Director of a buffer plan submitted through the alternative compliance provisions will require that the petitioner amend the plan through the alternative compliance process or submit a plan through the standard Planning and Zoning Commission and City Council approval process.
- C. Buffer plans submitted through the alternative compliance process shall fully achieve the standards as described in 8.6.3.

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## 9.0 Subdivision Design Standards

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### 9.1.5 Revision of Plat After Approval

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning and Zoning Commission and City Council, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning and Zoning Commission.

\*\*\*

### 9.2.8 Perpetual Maintenance of Common Property

The perpetual maintenance of any common areas shall be provided for by a legal entity. Prior to the final approval of the development, the Planning and Zoning Commission must approve the method of perpetual maintenance selected by the developer. No change shall be made in the approved method by the developer until approved by the Planning and Zoning Commission.

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## 9.5 MODIFICATIONS

### 9.5.1 Applications Required

Application for any modification shall be submitted in writing by the applicant at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

### 9.5.2 Modifications

The Planning and Zoning Commission and City Council may authorize a modification from these regulations when, in their opinions, undue hardship may result from strict compliance. In granting any modification the commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, the Commission shall take into account the nature of the proposed subdivision and the existing use of land in the vicinity, the number of persons to reside, or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No modifications shall be granted unless the commission finds:

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## 11.0 Definitions

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## 11.2 ABBREVIATIONS

ANSI: American National Standards Institute, Inc. or its successor bodies.

ATM: Automatic Teller Machine; automatic financial transaction machine.

BES: Building Envelope Standard

EIFS: Exterior Insulation and Finish Systems

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

GLA: Gross leasable area, the amount of leasable square footage contained within a shopping center.

GFA: Gross Floor Area

RBL: Required Building Line

PZC: Planning and Zoning Commission

SPRB: The Site Plan Review Board of the City of Peoria.

SWECS: Small Wind Energy Conversion Systems

ZBA: The Zoning Board of Appeals of Peoria.

## 11.3 DEFINED TERMS

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Certificate of Appropriateness for Special Exception: A certificate from the Planning and Zoning Commission authorizing the use of a building or structure within any Neighborhood Conservation District Overlay, originally constructed for use as a single dwelling unit, for an allowable special exception use as a two-family dwelling unit, three family dwelling unit, day care center, or family care facility pursuant to the Standards and Criteria for Certificates of Appropriateness.

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Commission: The Planning and Zoning Commission (PZC) as established in the Peoria Zoning Ordinance.

\*\*\*

Final Plat: The final map or drawing on which the subdivider's plan of subdivision is presented to the Planning and Zoning Commission and City Council for approval, and which, if approved, will be submitted to the County Recorder for recording.

\*\*\*

Preliminary Plat: The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning and Zoning Commission and City Council for their consideration.

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PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

EXAMINED AND APPROVED:

\_\_\_\_\_  
Corporation Counsel