



# PLANNING & ZONING COMMISSION

**TO:** City of Peoria Planning & Zoning Commission

**FROM:** Development Review Board, presented by Leah Allison and Shannon Techie

**DATE:** April 5, 2018

**CASE NO:** PZ 18-A

**REQUEST:** Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to various text amendments.

## SUMMARY OF PROPOSAL

The Unified Development Code was adopted on October 24, 2016. After a year and a half of application of the Unified Development Code, some 'clean-up' items were identified, such as incorrect references, disconnects between sections, regulations that were inadvertently omitted, etc., which have been addressed in this proposed amendment. In addition, the follow in a summary of the primary changes in Unified Developments Code regulations:

ITEM	DESCRIPTION	APPENDIX A SECTION
Applicability Table Changes	Added footnotes: <ul style="list-style-type: none"> <li>Setbacks outside of the Heart of Peoria area must always comply with District requirements.</li> <li>Use Performance standards, per Section 5.3.3, are always applicable, apart from those excepted out based on the threshold of work per the applicability table.</li> </ul>	2.16 and 5.3
Shipping Containers	Changed the term 'portable storage' device to 'shipping container' and modified the definition to note that it shall not include portable on demand (POD) storage units, which are regulated by Section 13-37 of the City Code. If a shipping container is used for storage, it is regulated per Section 8.4.4. Outdoor Storage and Display. Shipping containers used for other than storage, are regulated as buildings and or building additions and are subject to applicability table requirements in Section 2.16 and building code requirements, including but not limited to fenestration requirements.	10.3
Transitional Buffer Yards	Added language to allow the option for the submittal of landscape plans through the alternative compliance process for transitional buffer yards.	8.2.9
Subdivision Definition	Modified the definition to remove the following: <ul style="list-style-type: none"> <li>The term shall also apply to any development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, it being the intent of this</li> </ul>	10.3

	ordinance to apply to all types of development, within the City of Peoria.	
Approvals Issued in Error	Added that any permit or certificate issued in conflict with the provisions of this ordinance, shall be null and void.	2.2.1
Home Occupations	Included scrapping/junking/salvaging operations as prohibited home occupations	5.4.7.B.

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**

The Development Review Board recommends APPROVAL of the request to amend the Unified Development Code.

**ATTACHMENTS**

1. Ordinance

## 2.0 - ADMINISTRATION

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## 2.2 - ZONING REVIEW

### 2.2.1 When Zoning Review is Required

Zoning review shall accompany all applications for a building permit or Development Review Board review. In instances where no building permit is required, properties must comply with zoning requirements, which will be addressed ~~reviewed on a complaint basis~~ through the enforcement process. Property maintenance, per Chapter 13 of the City Code, is required irrespective of a permit or review, including but not limited to screening of dumpsters, upkeep of parking lot striping, condition of parking surfaces, etc.

Any permit or certificate issued in conflict with the provisions of this ordinance, shall be null and void.

### 2.2.2 Transfer of Property Certificate

- A. No instrument which immediately conveys or provides for the future conveyance of the fee interest in any property within the City of Peoria including an Agreement for Warranty Deed shall be recorded and no beneficial interest in a land trust which holds title to property within the city shall be transferred (except for a transfer of an interest, solely to secure performance of an obligation) until a Certificate has been issued for the property which is to be conveyed, or in the case of an interest in a land trust, until a Certificate has been issued for any property held by the trust which is located within the City of Peoria. The following transfers are exempt from the requirements of this paragraph provided that a Certificate for Exemption in the form provided by the Zoning Administrator is signed by the owner; beneficial interest holder, if a land trust; or an attorney at law or in fact:
1. Deeds to or trust documents relating to property acquired by any governmental body or from any governmental body or deeds to property between governmental bodies, or by or from any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes.
  2. Deeds or trust documents which secure debt or other obligation.
  3. Deeds or trust documents which, without additional consideration, confirm, correct, modify, or supplement a deed or trust document previously recorded.
  4. Reserved.
  5. Tax deeds.
  6. Deeds or trust documents of release of property which is security for a debt or other obligation.
  7. Deeds of partition.
  8. Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of corporations pursuant to plans of reorganization.
  9. Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.
  10. Deeds for a single family dwelling, including residential condominium units.
  11. Deeds representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States.
  12. Deeds issued to a holder of a mortgage, as defined in Section 15-103 of the Code of Civil Procedure, pursuant to a mortgage foreclosure proceeding or pursuant to a transfer in lieu of foreclosure.
  13. Undeveloped parcels of land.
  14. Deeds delivered, without regard to whether the Agreement for Warranty Deed was recorded, pursuant to an Agreement for Warranty Deed entered into prior to June 1, 1990.

15. Deeds delivered, without regard to whether the Agreement for Warranty Deed was recorded, pursuant to an Agreement for Warranty Deed on or after June 1, 1990, for which a zoning certificate has previously been issued by the Zoning Administrator.
  16. Non-residential uses in the B-1; O-1; O-2; C-N, C-1; C-G, C-2; I-1; I-2; I-3; N-1 and P-1 districts.
- B.** Transfer of Property Certificates shall be issued pursuant to rules adopted by the Zoning Administrator, and shall state whether the property which is the subject of the certificate is in compliance with the provisions of this ordinance. Notwithstanding the foregoing, the Zoning Administrator may adopt rules permitting a certificate to be issued based on information supplied by the applicant for certain classes of property or by inspection by the City or its agents. Any Certificate which is issued as a result of information supplied by the applicant and not on the basis of a property inspection by the City shall state that it has been issued in reliance upon information supplied by the applicant, and that it is not valid if it has been issued in reliance on information provided by the applicant which is not true and correct. In any case where a Certificate has not been acted upon within one year of the date of its issuance, or any City license or permit resulting from its issuance, then, without further action by the Zoning Administrator, said Certificate shall be null and void.

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## 2.13 - SUBDIVISION

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### 2.13.17 Types of Subdivisions

#### A. Major Subdivision

The purpose of a major subdivision is to provide a process for administrative approval of division of land which is:

1. In conformity with the Comprehensive Plan and ~~Zoning Ordinance~~ Unified Development Code of the City or County of Peoria, whichever is applicable.
2. The subdivision otherwise conforms to all other applicable regulations.
3. There are no waivers of subdivision ordinance regulations.
4. The character of design is compatible with adjacent development and community policies.
5. The plat is in conformance with the criteria of 2.13.7.

#### B. Minor Subdivision

The purpose of a minor subdivision is to provide a process for administrative approval of a division of land into five (5) or fewer lots:

1. Which does not require, under these regulations, the design or construction of any public improvements, provided that if all required public improvements are in existence but do not meet current design standards, the city engineer may approve a waiver of the design standards;
2. Which is in conformity with the comprehensive plan, subdivision ordinance and zoning ordinance of the city;
3. Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction; and
4. Which is located within the city or is otherwise under an annexation agreement which requires future annexation to the City of Peoria.

#### C. Standard Subdivision

The purpose of a standard subdivision is to provide a process for divisions of land which are not minor or major subdivisions.

**D. Survey plats for less than one acre**

The following survey plat made by an Illinois Registered Surveyor shall be filed for the plat officer's review and is subject to 2.13.4 and 2.13.7.A:

1. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve the need for any new streets or easements of access.

**E. Subdivision of land within one and one half mile extra-territorial jurisdiction**

Subdivision plats for land within the one and one-half mile extraterritorial jurisdiction may be reviewed through the administrative subdivision approval process, provided the following:

1. All subdivisions of land within the one and one-half mile extraterritorial jurisdiction must be served with a connection to a public sanitary sewer system unless:
  - a. The resulting division creates lots 40 acres in size or larger; or
  - b. If the resulting division creates a lot less than 40 acres in size and the property cannot connect to a public sanitary sewer system, an Annexation Agreement must be approved by the City. An Annexation Agreement is subject to review by the City Planning and Zoning Commission and approval of the City Council.
2. Such subdivision of land under paragraph 2.13.17.E.1.b above, which creates lots less than 40 acres in size and cannot connect to a public sanitary sewer system, shall be limited to:
  - a. One division of land into no more than two lots; and
  - b. No further division of either of the newly created lots or development of any new dwelling units on either of the newly created lots; and
  - c. Any further division or development of either lot shall be prohibited without adherence to the requirements of the City of Peoria Subdivision Ordinance and other applicable City Codes.

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**2.16 - Applicability of Standards**

The standards of this development code shall be applied as outlined in the tables below.

**A. Base Districts**

	Section 8.1.5		Chapter 5 Section 301-Chapter 13 Section 13-13		Section 5.3	Section 8.1	Section 8.2	Section 8.3	Section 8.5	Chapter 4	Section 4.3	Chapter 4	Chapter 8	Sections 4.2 and 4.3			
	Parking Surface <sup>2</sup>	Parking Space Striping <sup>2</sup>	Disabled Spaces <sup>2</sup>	Mechanical, Utility & Dumpster Screening <sup>2</sup>	Use Performance Standards <sup>5</sup>	Parking Number,	Landscaping <sup>2</sup>	Buffers & Screening <sup>2</sup>	Signs	Exterior Lighting	Setbacks & Yards, <sup>4</sup> Build To <sup>1</sup>	Height <sup>1</sup>	Windows and Doors <sup>1</sup>	Open Space Areas	Access, Circulation, Driveways	New Awnings, Canopies, Porches <sup>1</sup>	Materials <sup>1</sup>
<b>Commercial, Office, Industrial, Institutional, Parking, Overlay Districts, Multi-Family (Three or more units)</b>																	
<b>New Construction<sup>3,4</sup></b>																	
25% or less expansion of existing building area	X	X	X	X													
26% to 50% expansion of existing building area	X	X	X	X							X						
51% or greater expansion of existing building area or on land without structures	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>Expansion of Parking Area Only<sup>3,4</sup> (Not in conjunction with a use/building expansion)</b>																	
Up to 10 spaces	X	X	X	X													
11 or more additional spaces	X	X	X	X			X	X							X		
<b>Façade Changes (increase or decrease in windows and/or doors)</b>																	
													X				
<b>Single-Family (attached or detached)</b>																	
<b>New Construction</b>	X				X	X	X				X	X	X	X	X	X	X
<b>Expansion of Building Area</b> (addition, deck, sun room, porch)	X				X						X	X				X	X
<b>Expansion of Use</b> (accessory structure, shed, detached garage, recreational facility)	X				X						X	X					X
<b>Special Use (including amendments)</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

<sup>1</sup>Applicable for newly constructed area only

<sup>2</sup>Applicable to existing and new construction portions

<sup>3</sup>The percent of building and parking expansion shall be determined by adding together all expansions within a 10-year period.

<sup>4</sup>Setbacks outside of the Heart of Peoria area must always comply with District requirements.

<sup>5</sup>Use Performance standards, per Section 5.3.3, are always applicable, apart from those excepted out based on the threshold of work per the above table.

## B. Form Districts

	BES				ARCHITECTURAL STANDARDS											
	Sections 6.2 – 6.5	Sections 6.2 – 6.5	Sections 6.2 – 6.5	Sections 6.2 – 6.5	Section 6.6.2	Section 6.6.3	Section 6.6.4	Section 6.6.5	Section 6.6.6	Section 6.6.7	Section 6.6.8	Section 6.6.9	Section 6.6.9	Section 6.6.9	Section 6.8	Section 6.9
Form Districts	Height <sup>2</sup>	Siting <sup>3</sup>	Elements	Use Performance Standards <sup>5</sup>	Roofs & Parapets	Facades (See Definition)	Doors & Windows <sup>3</sup>	Existing Buildings & Additions	Street and Garden Walls	Exterior Building Materials	Signage	Lighting	Mechanical Equipment <sup>4</sup>	Dumpster Screening <sup>4</sup>	Streetscape Standards	Parking Requirements <sup>4</sup>
<b>New Construction</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>Expansion of Building Area<sup>1,2</sup></b>																
0%-25% expansion of building area	X	X	X			X				X			X	X		
26% to 50% expansion of building area	X	X	X			X		X		X			X	X		X
51% or greater expansion of building area	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
<b>Expansion of Parking Area Only<sup>1,2</sup></b> (Not in conjunction with a use/building expansion)																
Up to 10 spaces		X	X							X					X	X
11 or more additional spaces		X	X						X	X	X	X			X	X
<b>Façade Changes<sup>1</sup></b> (increase or decrease in windows, doors, or material changes)						X	X									
<b><sup>1</sup>If waivers of form district regulations are requested, such request shall be subject to the Special Use process as outlined in Section 2.9.</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

<sup>2</sup> The percent of building and parking expansion shall be determined by adding together all expansions within a 10-year period.

<sup>3</sup>Applicable for newly constructed area only

<sup>4</sup>Applicable to existing and new construction portions

<sup>5</sup> Use Performance standards, per Section 5.3.3, are always applicable, apart from those excepted out based on the threshold of work per the above table.

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## 4.0 BASE DISTRICTS

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## 4.2 RESIDENTIAL DISTRICTS

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### 4.2.4 Building Envelope Standards

Primary and accessory structures in the residential districts shall meet the applicable building envelope standards as set forth below.

Note: RE, R1, R2, R3, and R4 districts are subject to the Design Standards in Section 4.2.5. Where the Design Standards make no mention of a specific standard, the following table applies.

	A1	RE	R1	R2	R3	R4	R5	R6	R7	R8
<b>LOT</b>										
Density (max units/acre gross)		0.5	2.00	4.00	7.26	11.62	12.10	15.02	20.00	43.00
Area (min sq. ft.)	10 acres	87,120	21,780	10,890	6,000	3,750	7,500	7,500	7,500	7,500
Area per unit (min sq. ft.)			—	—	—	—	3,600	2,900	2,170	1,089
Width (min ft.)			80	70	40	37	22/90 <sup>(11)</sup>	—	—	—
Width, corner (min ft.)			100	95	95	—		—	—	—
Minimum Development Area (acre)							2			
<b>YARDS</b>										
<b>Principal Structure (min ft.)</b>										
Front	50	50	35 <sup>(1)</sup>	25 <sup>(1)</sup>	25 <sup>(1)</sup>	15 <sup>(1)</sup>	25	30 <sup>(1)</sup>	25 <sup>(1)</sup>	15 <sup>(1)</sup>
Side, Interior (single/total)	50	20*	12/30 <sup>(2)</sup>	8/20 <sup>(3)</sup>	5 <sup>(3)</sup>	4 <sup>(4)</sup>	0	10 <sup>(5)</sup>	6/15	6/15

Side, Corner <sup>(8)</sup>	50	50	15	10	10	8	10	12	10	10
Rear	50	50	25	25	25	25	30	25	30	30
<b>Accessory Structure (min ft.) <sup>(10)</sup></b>										
Front	50	50	35	25	25	15	25	30	25	15
Side, Interior (single/total) <sup>(9)</sup>	50	20	12/30	8/20	<del>6</del> 5	4	0	10	6	6
Side, Corner <sup>(8)</sup>	50	30	15	10	10	8	10	12	10	10
Rear	1.5	1.5	1.5 <sup>(6)</sup>	1.5 <sup>(6)</sup>	1.5 <sup>(6)</sup>	1.5 <sup>(6)</sup>	1.5	1.5	1.5	1.5
<b>HEIGHT</b>										
<b>Principal Structure (max ft.)</b>										
Height	35	35	35	35	35	35	35	45	45	75
<b>Accessory Structure (max ft.) <sup>(10)</sup></b>										
Height	35 <sup>(12)</sup>	14	14	14	14	14	14	14	14	14
<b>TRANSITIONAL BUFFER</b>										
Interior Side Yard (% of lot width)			—	—	—	—	10% <sup>(7)</sup>	10% <sup>(7)</sup>	10% <sup>(7)</sup>	10% <sup>(7)</sup>
Rear Yard (% of lot depth)			—	—	—	—	10% <sup>(7)</sup>	10% <sup>(7)</sup>	10% <sup>(7)</sup>	10% <sup>(7)</sup>

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**4.3 COMMERCIAL DISTRICTS**

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#### 4.3.6 C1 and C2 District Building Envelope Standards

- A. Structures, parking, and vehicle areas in the C1 and C2 districts shall meet the applicable building envelope standards as set forth below.

	C1	C2
STANDARD		
Lot area (min sq. ft.)	None	50,000
Lot width (min ft.)	None	None
YARDS		
Front (min ft.)	20 <sup>(1)</sup>	20 <sup>(1)</sup>
Side, Corner <sup>(2)</sup> (min ft.)	20	20
HEIGHT		
Height (max ft.)	35	45

(1) Or the average setback of the two principal structures on the adjoining parcels, whichever is less.

(2) This yard may be observed only when no other lots with frontage on this street have, or have the ability to have, a building fronting on this street.

**B. Abutting Residential**

A Transitional Buffer Yard as set forth in 8.2.9 shall be required.

**C. Building Setback**

In the C2 District, the minimum building setbacks are required from all property lines and are [to be] a minimum width of five (5) percent of the average width or depth of the lot for the related front, rear or side property lines not to exceed a maximum of twenty (20) feet. Building setbacks may be zero lot line pursuant to Section 2.13.2.G and 2.13.2.H.

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#### 5.0 - PERMITTED LAND USES

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## 5.2 - PERMITTED USE TABLE

### 5.2.1 Use Table Key

#### A. Use Permitted by Right (■)

Use permitted in the respective district subject to any use standard, if applicable. Such uses are also subject to all other applicable requirements of this development code.

#### B. Use Permitted through Special Use Review (□)

Indicates a use that may be permitted in the respective district only where approved by City Council in accordance with 2.9. Special uses are subject to all other applicable requirements of this development code, including all applicable use standards, except where such use standards are expressly modified by the City Council as part of the special use approval.

#### C. Use Not Permitted

A blank cell indicates that a use is not permitted in the respective district.

#### D. Use Category

Characteristics of the various uses located in Article 5.6, Use Categories.

#### E. Specific Use

Specific use listed in the various use categories located in Article 5.6, Use Categories.

#### F. Use and Performance Standards

A cross-reference to any use or performance standard listed in 5.3, Use Standards. Where no cross-reference is shown, no additional use standard applies.

### 5.2.2 Permitted Use Table

See Table as separate document.

## 5.3 - USE AND PERFORMANCE STANDARDS

### 5.3.1 Residential Use Performance Standards

Performance standards for residential uses are applicable irrespective of whether or not work takes place on the property associated with the use.

### 5.3.2 Civic Use Performance Standards

Performance standards for civic uses are applicable irrespective of whether or not work takes place on the property associated with the use.

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### 5.3.3 Commercial Use Performance Standards

With the exclusion of items C.1.a., b. & e, C.2.a & c, C.3.a-f, and G.1.e below, which are applied based on the threshold of work occurring at the property, per the Applicability Table in Section 2.16.A and B, performance standards for commercial uses are applicable irrespective of whether or not work takes place on the property associated with the use.

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## 5.4. - ACCESSORY STRUCTURES AND USES

**5.4.6 Fences and Walls**

**A. Purpose Statement**

This section is intended to allow fences and walls which preserve existing aesthetic benefits in the City, create an attractive appearance for the City; and, instill aesthetics as a value and standard throughout the City.

**B. General Provisions**

1. A fence or wall may be located on a lot line, but shall not protrude in full or part on adjacent property or right-of-way.
2. Fence or wall height shall be measured from an established grade to the top most section of the fence or wall. Where the grade forms a contour, the fence or wall shall be required to maintain the same contour.
3. Pillars, including decorations and appurtenances thereon, in conjunction with a fence, cannot be more than twenty-five (25) percent higher than the attached fence and not wider than twenty-four (24) inches.
4. Not more than 2 fence materials and designs are allowed per property. All vertical and/or horizontal supports and cross members must face the interior of the lot.
5. Fences and walls shall be maintained by the property owner according to all other codes of the City.
6. Fences and walls on corner lots must observe the sight triangle requirement as set forth 10.0 Definitions.
7. Except in the I-2 or I-3 Industrial Zoning Districts, chain link and wire fences shall not be located in front or corner side yards.
8. In order to provide for the maintenance and gradual elimination of nonconforming front yard fences that adversely affect the character and value of permitted development, front yard fences existing on private property as of the date of passage of this Ordinance that meet the following standards may continue to be maintained, but not replaced: maximum four feet in height, minimum forty percent open, constructed of harmonious materials, support members face to the interior of the lot, and the sight triangle is observed.

**C. Fences Requirements**

	RESIDENTIAL, OFFICE, COMMERCIAL, INSTITUTIONAL, AND I-1 ZONING DISTRICTS			I-2 AND I-3 ZONING DISTRICTS		
	Maximum Height	Required Setback	Minimum % Openness	Maximum Height	Required Setback	Minimum % Openness
Front Yard	3 feet	None	None	8 feet	None	None
Corner Side Yard	3 feet	None	None	8 feet	None	None
	6 feet	10 feet from <del>abutting street</del> the property line				

Side Yard	6 feet No fence or wall is permitted when less than 3 feet between fence or wall and any principal structure.	None	None	8 feet	None	None
Rear Yard	6 feet	None	None	8 feet	None	None
Through Lot	Must comply with all of the above, unless all principal structures in same block, face the same street or direction, and there is no vehicular access to the street in which the principal structure does not face, a fence or wall may be constructed as per the rear yard regulation for interior lots			8 feet	None	None

For properties located in a local historic district, fence waivers from section 5.4.5 may be granted through a Certificate of Appropriateness approved by the Historic Preservation Commission.

#### 5.4.7 Home Occupations

##### A. Purpose Statement

The purpose of this section is to allow home occupations that are compatible with the residential districts in which they are located.

##### B. General Requirements and Standards

All home occupations shall comply with each and every one of the following standards and requirements:

1. The entrepreneur of every home occupation shall reside in the dwelling unit in which the business operates.
2. All home occupation use activity conducted at the site of the home occupation shall be conducted entirely within a completely enclosed dwelling unit or garage (detached or attached).
3. Use of garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any home occupation may be permitted subject to the following:
  - a. No space within the garage that could be used to meet the required off-street parking requirements for the principle use shall be used for the home occupation. No existing garage may be converted to an accessory structure unless another garage is erected to replace the off-street garage parking spaces.
  - b. Auto and engine related occupations shall not be permitted. Routine, minor maintenance on vehicles registered to the residents of the property may occur. Only one vehicle may be repaired at one time, regardless of ownership or reason. Any repair of non-resident-owned vehicles is not permitted.
  - c. Construction businesses or landscaping businesses that provide the on-site storage of goods and materials, supplies or equipment, to be used in operation of the business shall not be permitted.
  - d. Scrapping/junking/salvaging operations shall not be permitted.

4. The home occupation shall not interfere with the delivery of utilities or other services to the area.
5. The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit and/or garage in a zoning district used solely for residential purposes.
6. No toxic, explosive, flammable, radioactive, or other hazardous materials as defined by the Fire Code and Building Code of the City of Peoria shall be used, sold, or stored on the site.
7. There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or placement of a sign.
8. No more than one vehicle shall be used in connection with home occupation use. The home occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding a payload capacity of one ton. Further, the home occupation vehicle shall not, pursuant to the Illinois Vehicle Code, require more than a Class B license or be a vehicle included in the definition of a Second Division Vehicle by Illinois Vehicle Code (those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the First Division used and registered as school buses).
9. Home occupation vehicles are required to comply with all applicable residential parking requirements including, but not limited to, 8.1.7, which prohibits permanent parking in required front yards and which requires hard-surfaced parking spaces.
10. No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
11. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.
12. There shall be no advertising, signs, display, or other indications of a home occupation in the yard, on the exterior, or visible from, the dwelling unit and/or garage.
13. Direct sales and/or rentals of products off display shelves or racks is not permitted, although a person may pick up an order previously made by telephone or at a sales meeting.
14. The total area used for the home occupation, per property, shall take up no more than 250 square feet of the dwelling unit or garage. No product, materials, supplies or equipment shall be displayed or stored outside of the home.
15. No person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.
16. Deliveries from commercial suppliers shall not be made by any vehicle that exceeds a gross weight in pounds for vehicle and maximum load of 20,000 pounds. Deliveries shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.
17. Visitors in conjunction with the home occupation (clients, pupils, sales persons, etc.) will be limited to no more than eight during a 24-hour period. No more than four visitors may visit at one time.
18. No more than one home occupation shall be permitted, per property, within any individual dwelling unit and/or garage.
19. No permit is required so long as the general requirements and standards described are met.

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## **5.5 - TEMPORARY USES**

### **5.5.1 Applicability**

Temporary uses are permitted as set forth below. Every temporary use shall, in addition, comply with, and the Zoning Administrator may impose, such other conditions as may reasonably be necessary to achieve the purposes of this development code or to protect the public health, safety, and welfare.

### 5.5.2 Permitted Temporary Uses

Subject to the specific regulations and time limits that follow, all applicable local ordinances and codes, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified in the Permitted Temporary Use Table. Site plan review shall ensure that the proposed use will not have any adverse impact on the surrounding property, and the site for such proposed use is adequate in terms of size, lighting, parking, and traffic access.

#### A. Permitted Temporary Use Table

Permitted Temporary Use	Location	Maximum Duration of Use	Maximum Frequency	Additional Requirements	Site Plan Required?
House, Apartment, Garage & Yard Sales	Residential Districts	3 days	No more than 3 times in any 12 month period	Items for sale are limited to the personal possessions of the owner or occupant of the lot	No
Indoor/Outdoor Festivals, Sidewalk Sales, Art, Craft, Plant Shows/Exhibits/Sales	Commercial, Farm, or Industrial District	Special Sales - 3 days Plant Sales - 150 consecutive days per calendar year	Special Sales - No more than 12 times per year	See 5.5.3.B Below	No
Christmas Tree/Pumpkin/Easter Lily Sales	All Districts	45 days	NA	Sales are permitted in any residential area when conducted by a not-for-profit religious, philanthropic, or civic organization on property owned or leased by such organization.	No
Contractor's Offices or Trailers & Equipment Sheds	All Districts when accessory to construction	Coincide with active construction	NA	Sleeping or cooking accommodations are prohibited	No
Real Estate Office, Including Model Units	All Districts when accessory to a new development	Coincide with active selling/leasing period.	NA	Sleeping or cooking accommodations are prohibited unless in a model dwelling unit. Office cannot be used as the general office	Yes (as part of the building permit review)

				or headquarters of any firm.	
Carnivals & Circuses	All Districts	10 days	No limit	None	Yes (as part of the building permit review)
Sales of Overstocks, Seconds, Similar Goods in Districts where not a Permitted Use	I-1, I-2, & I-3 Districts when accessory to a permitted use	10 days	No more than 4 times per 12 month period with 7 days in between each sale	See 5.5.2.C Below	No
Tents	All Districts with a permitted, accessory, temporary, or special use	10 days	No more than 4 times per 12 month period with 7 days in between each tent sale	Tents must comply with setback and height limitations of the zoning district in which it is placed. Tents cannot obstruct access to handicap parking spaces.	No
Civic Uses of Public Property	Commercial or Form Districts	No limit	No limit	Authorization by the controlling governmental agency and the use must not impose an undue adverse effect on the neighboring streets or property	No
Wheelchair Ramp	Residential Districts	Length of residency plus 60 days by the individual with a disability requiring a wheelchair	NA	Minimum encroachment into required yards and safe ingress/egress from the property	Yes (as part of the building permit review)
Dumpster for Construction Projects	All	Coincide with active construction	NA	Placed on a hard surface	No

Bus Benches and Shelters	All Districts	No limit	NA	See 5.5.2.D Below	No
Farmers Market	C-N, C-G, and I-1 Districts	Not to interfere with surrounding land uses	No limit	See 5.5.2.E Below	No
Demountable Temporary Structures	All Districts except N1 and P1	6 months	NA	Subject to Special Use approval per Section 2.9	N/A
Roadside Produce Stand	C-N Districts	Coincide with growing season	NA	See 5.5.2.F Below	No
Home-Produces Fruit and Vegetable Sales	Residential Districts and Legal Non-Conforming Residential Dwellings in Non-Residential Districts	3 days	No more than 3 times in any 12 month period	Items for sale are limited to whole, uncut fruits and vegetables grown at the residence where the sale is occurring.	No
Mobile Food Vehicles and Carts	All Districts except Single Family-Residential Districts	No Limit	No Limit	Must be parked/placed on a paved surface. Seating may be provided during hours of operation.	No

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## 5.6 - USE CATEGORIES

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### D. Medical Facility

Uses providing medical or surgical care to patients. Some uses may offer overnight care.

Principal Uses	Accessory Uses	Uses Not Included
Ambulatory surgery center, outpatient clinic Blood plasma donation center Health care service Hospital, medical	Associated helicopter landing facility Associated office Chapel, ancillary worship space On-site day care where children are cared for while parents or guardians are occupied on the premises Food preparation or dining area	<u>Outpatient Treatment Facility</u> <del>Rehabilitative clinic</del> , psychiatric institution, sanatorium (see Social Service Institution) Pharmacy, urgent care or emergency medical office (see Retail Sales and Service)

center Medical, dental laboratory Medical, dental clinic, <u>physical</u> rehabilitative clinic Medical, dental office, chiropractor	Housing for staff or trainees Limited retail sales (internal) Janitorial facility Meeting area Nursing or medical school Pharmacy Recreational facility Research, noncommercial, scientific, educational Teaching facility Temporary housing for relatives of patients	Medical cannabis dispensary Medical cannabis cultivation center
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## 6.0 - FORM DISTRICTS

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## 6.6 - ARCHITECTURAL STANDARDS

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### 6.6.7 Exterior Building Materials (excluding facades)

#### A. Principle

Exterior materials shall be durable, of high quality and reflect a sense of permanence and urban character.

#### B. Materials

The following materials are permitted.

1. Native/regional stone and equivalent imitation stone
2. Metal (wrought iron, welded steel and/or aluminum [electro-statically plated black])
3. Brick
4. Stucco on concrete block (or poured) only with brick or stone coping
5. A combination of materials (e.g. stone piers with brick infill panels or stone piers with brick base courses and metal above)
6. See Also Section 6.6.1.G. for equivalent or better material approval

#### C. Standards

1. Buildings shall use materials that are compatible with, or similar to, nearby buildings on the same street, unless those buildings use materials which are disallowed by this code.
2. Materials used at the base of the building are to be stone, brick, ground faced/burnished concrete masonry, precast concrete or high quality synthetic stone. EIFS materials are not to be used on the first story of buildings. Utility materials such as split face or standard concrete block are only allowed on rear, interior lot lines and alley frontages.
3. Lap siding of metal, aluminum, vinyl or wood shall only be permitted in the R-4 frontage. Metal panels (as distinct from lap siding) with concealed fastening systems may be used as accent materials in all frontages.

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## 8.2 - LANDSCAPING AND SCREENING

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### 8.2.9 Transitional Buffer Yards

#### A. General

1. Unless otherwise provided, all commercial, industrial, institutional, parking district and multifamily zoning lots containing more than two dwelling units, which abut, or, in the absence of an alley, would abut any residential zoning lot or district shall be required to provide one of the following:
  - a. A transitional buffer yard shall be constructed as outlined below. If there is a significant naturally occurring visual break between the commercial, industrial, institutional, parking and residential lots, such as a wooded stream, ravine, or an area with extensive natural vegetation, the alternative compliance provisions described in 8.2.15 may be worth consideration.
  - b. A garden wall or solid fence, 4 to 6 feet in height, shall be constructed within 1 foot of the residential property line. If a garden wall or fence is provided, a transitional buffer yard is not required. No chain link or wire fences are permitted.
  - c. An alternative transitional buffer yard may be proposed through alternative compliance, as outlined in Section 8.2.15; however, the alternative transitional buffer yard must still provide adequate screening.
2. ~~If there is a significant naturally occurring visual break between the commercial, industrial, institutional, parking and residential lots, such as a wooded stream, ravine, or an area with extensive natural vegetation, the alternative compliance provisions described in 8.2.15 may be worth consideration.~~

#### B. Depth of Yard

The nonresidential lot, as described above, is required to have a Transitional Buffer Yard that is ten percent of the lot width or depth, whichever is applicable. However, no Transitional Buffer Yard shall be less than ten feet and no Transitional Buffer Yard shall be required to be more than 25 feet.

#### C. Reduction of Requirements

In those cases where the residential zoning lot adjoining or across the alley from the applicable nonresidential zoning lot has been developed other than single- or multi-family residential, the Development Review Board shall have the authority to reduce the Transitional Buffer Yard requirements. This authority may be exercised when the Development Review Board determines that the proposed reduction will not have a negative impact on the subject residential lot.

#### D. Dispute Resolution

The Development Review Board shall have the final authority to determine the depths and location of the Transitional Buffer Yards for irregularly shaped parcels, or other parcels when there is a dispute on the depth and location of a Transitional Buffer Yard. The yard depth or width for a yard with varying widths or depths will be measured from the yard's mid-point.

#### E. Prohibited Materials

Any Transitional Buffer Yard shall be maintained as a planted or landscaped area only. Exotic, invasive woody plants (see 8.2.13.C) must be removed from the Transitional Buffer Yard. No driveways other than what is minimally required to properly access parking which can only be accessed from the adjacent alley, refuse containers, storage, aiseways, vehicular maneuvering area, mechanical equipment, sidewalks, materials other than landscaping, or structures of any form shall be located within any required Transitional Buffer Yard. However, if an emergency exit into the Transitional Buffer Yard area is required by Building Code, a concrete pad of no more than 23 square feet in area may be placed at grade level immediately outside of the required exit.

#### F. Utility Structures

Utility structures as described in 5.3.2.C may be permitted in a Transitional Buffer Yard on a case by case basis and only through the alternative compliance provisions of 8.2.15.

#### **G. Determination of Required Plant Materials for Transitional Buffer Yards**

The number of points that must be achieved through landscaping in a Transitional Buffer Yard shall be based on the overall length of the Transitional Buffer Yard as measured along the Transitional Buffer Yard property line. For example, if the property line running the length of the Transitional Buffer Yard is 180 feet long, then 180 points must be achieved through landscaping.

1. One-half of the points for Transitional Buffer Yard landscaping must be achieved by utilizing plants from the tree classification and one-half must be from the shrub classification.
2. No more than one-quarter of the total points in the Transitional Buffer Yard may come from any one species. As an example, oak is not a species, but white oak, black oak, and burr oak would each qualify as different species.
3. The net effect of paragraphs 1 and 2 above is that two species of trees and two species of shrubs will be required in the Transitional Buffer Yard at a minimum, and perhaps more depending on the point totals for each.
4. All shade trees in a Transitional Buffer Yard must be two and one-half inches caliper size or larger.

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### **8.4 - OUTDOOR STORAGE AND DISPLAY**

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#### **8.4.4 Categories of Outside Storage and Display**

Outside storage and display is classified as follows.

##### **A. Outdoor Display**

1. Outdoor display is the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (such merchandise shall be considered limited outdoor storage). Limited outdoor display does not include clothing drop box, package drop box, or other similar drop box.
2. Outdoor display shall be permitted in association with any nonresidential use (in accordance with 8.4.3) following review and approval of a site plan illustrating the extent of the permitted area for outdoor display provided it meets the standards below.
  - a. Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day, with the exception of soft drink or other similar vending machines.
  - b. Outdoor display shall be permitted adjacent to the building façade and shall extend no more than eight feet from the façade.
  - c. Outdoor display shall be located no closer than five feet from any public entrance.
  - d. Outdoor display shall occupy no more than 30% of the horizontal length of the building façade.
  - e. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas and shall not restrict site access per state or federal accessibility requirements.
  - f. Outdoor display shall not be placed in front of windows.
  - g. Any signage associated with outdoor display will be factored into the total signage allowed based on the façade area of the building.

##### **B. Outdoor Storage**

###### **1. General**

Outdoor storage is more intensive than outdoor display. Outdoor storage is not normally brought indoors overnight. Outdoor storage is broken in two categories as follows:

## 2. Limited Outdoor Storage

- a. Limited outdoor storage is the overnight outdoor storage of vehicles awaiting repair, RV and boat storage at a self-service storage facility, merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
- b. Limited outdoor storage is permitted in association with any permitted nonresidential use (in accordance with 8.4.3) following review and approval of a site plan illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
  - 1) Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100 percent opaque visual barrier or screen.
  - 2) All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential district.
  - 3) Limited outdoor storage shall be located in the rear yard.
  - 4) Limited outdoor storage may be located to the side of a building, provided it is not located within the required side yard or Transitional Buffer Yard.
  - 5) Vehicles awaiting repair may be stored up to 14 days within the required screened storage area, provided that no more than ten such vehicles shall be stored at any one time.

## 3. General Outdoor Storage

- a. General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
- b. General outdoor storage shall be permitted in association with any permitted nonresidential use following review and approval of a site plan illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
  - 1) General outdoor storage shall be screened by 100 percent opaque, eight foot high visual barrier or screen, except where located abutting or across the street from a residential district such screening shall be high enough to completely conceal all outdoor storage from view.
  - 2) Screening shall adhere to the requirements for fences in 5.4.86.

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## 10.0 DEFINITIONS

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### 10.3 DEFINED TERMS

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~~Demountable structure: Any structure erected on a temporary basis that is not attached to a permanent foundation.~~

~~Portable Storage Device~~ Shipping Container: A reusable cargo container of a rigid construction and rectangular configuration; fitted with devices permitting its ready handling; so designed to

be readily filled and emptied; intended to contain one (1) or more articles of cargo or commodities for transportation by one (1) or more transport modes. The term includes completely enclosed units, open top units, fractional height units and other variations fitting into the container system. This definition shall include, but not be limited to the following: ~~portable on demand storage units, intermodal storage containers.~~ The definition shall not include portable on demand (POD) storage units, which are regulated by Section 13-37 of the City Code. If a shipping container is used for storage, it is regulated per Section 8.4.4. *Outdoor Storage and Display.* Shipping containers used for other than storage, are regulated as buildings and or building additions and are subject to applicability table requirements in Section 2.16 and building code requirements, including but not limited to fenestration requirements.

Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that division of land which may be ordered or approved by a court or affected by testamentary or intestate provisions, or a division of land into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing the land subdivided. ~~The term shall also to any development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, it being the intent of this ordinance to apply to all types of development, within the City of Peoria.~~ Development of an existing parcel with one single-family unit or one duplex will not necessitate additional plan review.

Variation, Major: All variations authorized by this ordinance which are not minor variations shall be considered major variations. ~~Any variation request of transitional buffer yard requirements shall be considered a major variation.~~

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