

ORDINANCE AMENDING APPENDIX B OF THE CODE OF THE CITY OF PEORIA
RELATING TO OPEN AIR CAFÉ

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule municipality, the City may exercise any power and perform any function pertaining to its government and affairs including zoning regulations and uses; and

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

Section 1: Appendix B of the Peoria City Code, being Ordinance No. 13,225 as adopted on June 4, 1991, and thereafter amended, is hereby amended by deleting the following stricken words and adding the following underlined words:

ARTICLE 9. COMMERCIAL DISTRICTS

9.2 Accessory Uses and Structures

Accessory uses and structures secondary and directly related only to the principal use of the zoning lot shall be permitted in the districts indicated under the conditions specified. Accessory uses shall meet all requirements and conditions applicable to the principal use.

Except for off-street parking and loading and open air cafes, accessory uses shall be limited to ten (10) percent or less of the floor area of the principal use.

9.6 C1 General Commercial District.

9.6.c. *Special Uses.* The following uses may be allowed as a special use in the C1 District:

- (1) Auto repair.
- (2) Auto sales—New.
- (3) Auto sales—Used.
- (4) Auto service stations.
- (5) Auto—Body repair.
- (6) Auto—Muffler, brake service.
- (7) Bed and breakfasts.
- ~~(8)~~—Beer gardens.
- ~~(9-8)~~ Car wash.
- ~~(10-9)~~ Cemeteries.
- ~~(11-10)~~ Commercial testing labs.
- ~~(12-11)~~ Dog boarding.
- ~~(13-12)~~ Gasoline stations.
- ~~(14-13)~~ Hotels and motels.
- ~~(15-14)~~ Laboratories—Research and testing.
- ~~(16-15)~~ Medical and dental clinic.
- ~~(17-16)~~ Motor vehicle rental.
- ~~(18-17)~~ One or more mobile home or demountable temporary structures may be permitted for the purpose of providing space auxiliary to the use for which the site has been zoned.

This use of a mobile home or temporary demountable structure may be granted for periods of up to six (6) months, which time may be extended by a condition or amendment to the special use. All requirements of Chapter 38 [Chapter 19] of the City Code relating to mobile homes must be met by any mobile home or structure installed under this regulation. Construction facilities for uses auxiliary to construction activities on construction sites for the period during which a building permit issued by the City [is] in force, are exempt from this requirement for a special use.

- ~~(19-18)~~ Out-patient clinics.
- ~~(20-19)~~ Planned unit developments.
- ~~(20a-20)~~ Public, private schools.
- ~~(21-22)~~ Public safety buildings.
- ~~(22-23)~~ Research, noncommercial, scientific, educational.
- ~~(23-24)~~ Research, development lab.
- ~~(24-25)~~ Rooming house.
- ~~(25-26)~~ Single room occupancy.
- ~~(26-27)~~ Convenience cash businesses (see also 3.18.d.).
- ~~(27-28)~~ Park—Active recreation.

9.7 C2 Large Scale Commercial District.

9.7.b. Permitted Uses. When the Zoning Administrator finds that a particular use is in keeping with the intent and purpose of the C2 Commercial District and can adequately meet the standards established for the C2 District specifically and all commercial districts generally as set forth in this article, then and only then shall the following types of uses be permitted in the C2 District:

- (1) Accessory uses.
- (2) Antennas which are not within any required yard.
- (3) Amusement and recreation buildings.
- (4) Amusement arcades.
- (5) Art gallery and artist studio.
- (6) Auction rooms, house.
- (7) Auditorium or arena, indoor and outdoor.
- (8) Auto rental, leasing—No driver.
- (9) Auto repair.
- (10) Auto sales—New.
- (11) Auto sales—Used.
- (12) Auto service stations.
- (13) Auto—Body repair.
- (14) Auto—Muffler, brake service.
- (15) Ballrooms and dancehalls.
- (16) Bar, tavern, lounge.
- (17) Barber shops.
- (18) Beauty shops.
- ~~(19) Beer gardens.~~

- (~~20~~-~~19~~) Boats—Moorage private, pleasure.
- (~~21~~-~~20~~) Bowling alleys.
- (~~22~~-~~21~~) Building material sales and storage.
- (~~23~~-~~22~~) Carpet cleaning without plant.
- (~~24~~-~~23~~) Catering.
- (~~25~~-~~24~~) Churches, temples, synagogues.
- (~~26~~-~~25~~) Commercial testing lab.
- (~~27~~-~~26~~) Computer services.
- (~~28~~-~~27~~) Contractor office, exterior storage.
- (~~29~~-~~28~~) Copying shops.
- (~~30~~-~~29~~) Cultural facilities.
- (~~31~~-~~30~~) Day care centers.
- (~~32~~-~~31~~) Department stores.
- (~~33~~-~~32~~) Detective agency, no dog rental.
- (~~34~~-~~33~~) Diaper service.
- (~~35~~-~~34~~) Display rooms—Merchandise retail, wholesale.
- (~~36~~-~~35~~) Dog boarding.
- (~~37~~-~~36~~) Dog grooming.
- (~~38~~-~~37~~) Dry cleaners.
- (~~39~~-~~38~~) Equipment rental, leasing.
- (~~40~~-~~39~~) Financial institutions.
- (~~41~~-~~40~~) Financial institutions with drive-up.
- (~~42~~-~~41~~) Florist.
- (~~43~~-~~42~~) Funeral home, chapel, services.
- (~~44~~-~~43~~) Gardens, botanical, zoological.
- (~~45~~-~~44~~) Gasoline stations.
- (~~46~~-~~45~~) Greenhouses.
- (~~47~~-~~46~~) Gymnasiums.
- (~~48~~-~~47~~) Health centers, some exterior.
- (~~49~~-~~48~~) Hotels and motels.
- (~~50~~-~~49~~) Job training, vocational rehabilitation service.
- (~~51~~-~~50~~) Laboratories—Research and testing.
- (~~52~~-~~51~~) Laundry, coin operated.
- (~~53~~-~~52~~) Lawn and garden services.
- (~~54~~-~~53~~) Libraries.
- (~~55~~-~~54~~) Linen supply.
- (~~56~~-~~55~~) Locksmith—No exterior storage.
- (~~57~~-~~56~~) Masseur/masseuse.
- (~~58~~-~~57~~) Mausoleums.
- (~~59~~-~~58~~) Medical and dental clinics.
- (~~60~~-~~59~~) Medical and dental lab.
- (~~61~~-~~60~~) Meeting, assembly hall.
- (~~62~~-~~61~~) Membership organization—Meeting hall, refreshments.
- (~~63~~-~~62~~) Motion picture theaters.
- (~~64~~-~~63~~) Motion pictures, production.

- (~~65-64~~) Museums and art galleries.
- (~~66-65~~) Offices, business, government, professional.
- (~~67-66~~) Offices, medical, dental.
- (~~68-67~~) Out-patient clinics.
- (~~69-68~~) Outdoor amusement enterprises.
- (~~70-69~~) Outdoor sportsclub, membership.
- (~~71-70~~) Parking lot, garage.
- (~~72-71~~) Photo studio.
- (~~73-72~~) Photofinishing lab.
- (~~74-73~~) Physical education center, some outside.
- (~~75-74~~) Printing, blueprinting operation.
- (~~76-75~~) Radio, TV stations, no tower.
- (~~77-76~~) Recreation—Indoor commercial.
- (~~78-77~~) Recreation—Outdoor commercial.
- (~~79-78~~) Repairs—Electrical, refrigeration.
- (~~80-79~~) Repairs—Household, personal goods.
- (~~81-80~~) Research, noncommercial, scientific, educational.
- (~~82-81~~) Research, development lab.
- (~~83-82~~) Residential—Not ground floor.
- (~~84-83~~) Restaurants.
- (~~85-84~~) Retail—Apparel and accessory.
- (~~86-85~~) Retail—Bakery, butcher, fruits, vegetables.
- (~~87-86~~) Retail—Building materials, garden supplies.
- (~~88-87~~) Retail—General merchandise.
- (~~89-88~~) Retail—Grocery, hardware, drugs, liquor.
- (~~90-89~~) Retail—Lumber and building materials.
- (~~91-90~~) Retail—Nurseries, lawn, garden.
- (~~92-91~~) Retail—Used merchandise.
- (~~93-92~~) Retail—Video sales, rentals.
- (~~94-93~~) Schools for the arts.
- (~~95-94~~) Schools—Correspondence, professional, business.
- (~~96-95~~) Schools—Vocational, no exterior class.
- (~~97-96~~) Services to bldgs., exterior storage.
- (~~98-97~~) Shoe repair, shine, hat cleaning shops.
- (~~99-98~~) Social services, individual and family.
- (~~100-99~~) Tailors.
- (~~101-100~~) Taxidermist.
- (~~102-101~~) Trade schools, no heavy equipment, truck operators.
- (~~103-102~~) Upholstery cleaning without plant.
- (~~104-103~~) Vet's office—Household pets.
- (~~105-104~~) Vet's office—Other animals.
- (~~106-105~~) Convenience cash businesses.
- (~~107-106~~) Park—Passive recreation.
- (~~108-107~~) Park—Active recreation, which is 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 Commission and City Council.

Notwithstanding the foregoing, any use not established at the time this ordinance is adopted shall only be permitted if it is consistent with the impact standards set forth in this article and if it is located on sites whose site plan has been approved by the Site Plan Review Board.

(409-108) Microbrewery/Craft Distillery providing onsite retail

ARTICLE 18. DEFINITIONS

~~Open Air Cafe/Beer Gardens: Any outdoor eating or drinking area directly adjacent to, and subordinate in area, and accessory to the establishment it serves. The seating area must be contained with a fence or other suitable material which defines the seating areas and sets that area apart from the surrounding property. The total square footage of the seating area must be included in the total parking calculations for the site. In calculating the square footage, the area bounded by the fence and adjacent buildings shall be used. Any addition of an open air cafe or beer garden to an existing establishment should be evaluated as an expansion of use and is subject to approval by the Site Plan Review Board. Prior to any sale, service, or consumption of alcoholic beverages in the open air cafe must be site approved pursuant Section 3-53 of Chapter 3 of the City Code.~~

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

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