

**ORDINANCE AMENDING APPENDIX C OF THE CODE OF THE CITY OF PEORIA
RELATING TO OPEN AIR CAFE**

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 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:

5.4. ACCESSORY STRUCTURES AND USES

5.4.1 Applicability

- A. Accessory structures and uses are allowed by right in conjunction with a permitted principal use as set forth in Article 5.6, Use Categories. No accessory use or structure may be established on a site without a principal use. Specific regulations governing accessory structures and uses are set forth below.
- B. Unless otherwise stated, accessory structures and uses shall meet all requirements and conditions applicable to the principal use.
- C. Uses which are accessory to special uses may be permitted when approved as part of the special use, or when the Zoning Administrator finds they are not an expansion of an approved special use
- D. Except for off-street parking and loading, and open air cafés, accessory uses associated with nonresidential principal uses shall be limited to ten percent or less of the floor area of the principal use.

5.6 USE CATEGORIES

5.6.4 Commercial Use Categories

A. Indoor Recreation

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Principal Uses	Accessory Uses	Uses Not Included
Auditorium, arena, stadium, indoor Athletic, tennis, swim or health club Ballroom, dancehall Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden Convention center Gymnastic facility, indoor sports academy Lodge, membership club Indoor entertainment activity such as pool hall, billiard hall, bowling alley, amusement arcade, swimming pool Indoor shooting range Physical education center Movie or other theater Skating rink	Associated office Concession Food preparation or dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use <u>Open air café</u>	Community recreational facility, non-profit (see Community Service) Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation)

F. Restaurant

Establishments that prepare and sell food for on- or off-premise consumption.

Principal Uses	Accessory Uses	Uses Not Included
Cafeteria Delicatessen Pizza delivery facility Restaurant, fast-food restaurant, take-out, yogurt or ice cream shop Restaurant with sale of alcoholic beverages, brew pub Restaurant, drive-in	Associated office Deck, patio for outdoor seating or dining, or <u>open air café</u> Drive-through facility	Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden (see Indoor Recreation) Catering establishment (see Retail Sales and Service or Light Industrial)

G. Retail Sales and Service

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses	Uses Not Included
<p>Sales-Oriented Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, flowers, fruits, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vegetables, videos, and related products Auction room, auction house, art or photo studio, gallery Butcher, baker, pawnshop Convenience store with gas pumps, gas station Convenience store without gas pumps Greenhouse or nursery, commercial, garden center, outdoor retail sales, flea market, farmers market, vehicle parts and accessories Microbrewery/Craft Distillery providing onsite retail Wholesale club</p> <p>Service-Oriented Bank, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care Catering establishment, small-scale Cleaning establishment, small-scale Convenience Cash Businesses Dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station Funeral home or mortuary, undertaking establishment Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop Photocopy, blueprint, package shipping and quick-sign service, printing and publishing Photoengraving, post office, travel, ticket agency School for the Arts Security service, taxidermist Tattoo shop, palmist, psychic, medium, massage parlor Urgent care or emergency medical office</p> <p>Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer, seamstress Gunsmith, locksmith</p>	<p>Associated office Automatic one bay car wash facility Drive-thru facility Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods</p>	<p>Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden <u>open air cafe</u> (see Indoor Entertainment) Catering establishment (see Retail Sales and Service or Light Industrial) Crematorium (see Light Industrial) Drop-in child care center (see Day Care) Full- or self-service vehicle wash (see Vehicle Sales and Service) Indoor entertainment activity such as pool hall, bowling alley, game arcade (see Indoor Recreation) Laundry or dry-cleaning plant (see Light Industrial) Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation) Pizza delivery facility; restaurant, fast-food restaurant, take-out, yogurt or ice cream shop, restaurant with sale of alcoholic beverages, brew pub, restaurant, drive-in (see Restaurant) Vehicle sales, repair or service (see Vehicle Sales and Service) Wholesale of food, clothing, auto parts, building hardware, wholesale display, wholesale establishment (see Wholesale Trade)</p>

11.0 Definitions

Open Air Cafes: Any outdoor eating or drinking area directly adjacent to, subordinate in area, and accessory to the establishment it serves. The total square footage of the seating area must be included in the total parking calculations for the site. Any addition of an open air cafe 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 immediately and upon 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