

AN ORDINANCE AMENDING APPENDIX B-ZONING ORDINANCE OF THE CODE OF THE CITY OF PEORIA RELATING TO THE COMBINATION OF THE PLANNING AND ZONING COMMISSIONS

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; and

WHEREAS, the City Council of the City of Peoria desires to exercise its powers to combine the planning and zoning functions into one commission and confer this combined commission the duties and powers as stated below; and

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

Section 1: Appendix B-Zoning Ordinance of the Peoria City Code is hereby amended by deleting the following stricken words and adding the following underlined words:

ARTICLE 2. ADMINISTRATION AND PROCEDURES

2.1. Introduction to Organization.

The primary administration of this ordinance is hereby vested in five (5) ~~seven (7)~~ entities of the government of the City of Peoria as follows:

- 2.1.a. Zoning Administrator;
- 2.1.b. Site Plan Review Board;
- 2.1.c. Reserved ~~Zoning Commission~~;
- 2.1.d. Reserved;
- 2.1.e. Zoning Board of Appeals;
- 2.1.f. Planning and Zoning Commission; and
- 2.1.g. City Council.

2.2. Zoning Administrator.

The Director of ~~Planning and Zoning~~ Community Development for the City of Peoria or his/her designee(s) shall be the Zoning Administrator. He/she shall exercise the authority, and perform the duties of Zoning Administrator which are provided for below:

- 2.2.j. Receive, certify for completeness, and forward to the Planning and Zoning Commission all applications for special uses, including planned developments, and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator;
- 2.2.k. Review, process and decide upon those minor variation applications for which the Zoning Administrator has authority under this ordinance by either approving or denying such applications;
- 2.2.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;

2.2.m. Call for meetings of the Site Plan Review Board, forward applications, site plans and related information to that board in all cases which require site plan review as defined in Section 2.3.c., and as required in specific zoning districts under the provisions of this ordinance;

2.2.n. Enforce all orders of the Zoning Board of Appeals;

2.2.o. Conduct an annual study of the provisions of this ordinance, and make a report of his/her recommendations to the Planning and Zoning Commission and City Council during January of each year or more often as he/she deems necessary;

2.3. Site Plan Review Board (SPRB).

2.3.c. Authority and Procedures.

- (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 ordinance.
- (2) Approve and disapprove site plans submitted as part of any application for zoning certificates for permitted uses in the R5, R6, R7, R8, C1, C2, B1, O1, O2, I1, I2, I3, P1, and N1 zoning districts; in overlay districts; in critical traffic management areas, and for any site for which the Site Plan Review Board does not act as a recommending body. The SPRB 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 major variance, special use, official development plans, subdivision plats, planned unit development or zoning certificate. Findings and recommendation made pursuant to this Section shall, when applicable, become a part of the above judgement decision criteria with respect to any relief or remedies being sought. In circumstances where the foregoing relief has been sought, final authority resides in the following bodies: 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 Planning and Zoning Commission, on all proposed map amendments.

2.4. ~~Reserved The Zoning Commission (ZC).~~

~~2.4.a. Creation.~~

- ~~(1) The Zoning Commission previously established under the Peoria City Code, concerning its composition, term of membership, election of chairman and records to be kept, is hereby authorized to continue and granted authority as set forth in this ordinance. The word "Commission" when used in this section shall be construed to mean the Zoning Commission. The Zoning Commission shall be comprised of seven (7) members. A quorum of four (4) members is necessary, in order to conduct business. Any decision of the Zoning Commission shall be based on an affirmative vote of those members voting.~~
- ~~(2) All appointments to the Zoning Commission shall be made by the Mayor, subject to the approval of the City Council. The Chair shall be elected on an annual basis by members of the Commission. Members of the Commission shall serve terms as set forth in section 2-26 [2-162] of the Peoria City Code.~~

~~(3) The Zoning Commission shall adopt its own procedures.~~

~~2.4.b. Jurisdiction. The Zoning Commission shall discharge the following duties under this ordinance:~~

- ~~(1) Review all applications for amendments to this ordinance (text or map), hold public hearings thereon, and report findings and recommendations to the City Council in the manner prescribed in this ordinance;~~
- ~~(2) Review all applications for special use and N1 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 his/her recommendations as to the effectiveness of this ordinance as its [it] relates to the policies of the Comprehensive Plan of the City of Peoria and any amendments he/she may recommend be made to the ordinance, and report the 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 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.~~

~~2.4.c. [Reserved.]~~

2.7. Planning and Zoning Commission. (PZC)

2.7.a. Creation. The Planning and Zoning Commission, established previously in the Peoria City Code, concerning its composition, term of membership, election of chairman and records to be kept, is hereby granted jurisdiction as set forth herein. The Planning and Zoning Commission shall be comprised of seven (7) members. A quorum of four (4) members is necessary, in order to conduct business. Any decision of the Planning and Zoning Commission shall be based on an affirmative vote of those members voting.

2.7.b. Jurisdiction. The Planning Commission previously established related to this Peoria City Code shall discharge the following duties under this ordinance:

- (1) Receive and make findings and recommendations to the City Council on Neighborhood Conservation Plans proposed as amendments to the Comprehensive Plans for the designation of a Neighborhood Conservation Overlay District (NC).
- (2) Review all applications for amendments to this ordinance (text or map), hold public hearings thereon, and report findings and recommendations to the City Council in the manner prescribed in this ordinance;
- (3) Review all applications for amendments to Appendix A of the City Code, hold public hearings thereon, and report findings and recommendations to the City Council;
- (4) Review all applications for special use and N1 Official Development Plans, hold public hearings thereon and report findings and recommendations to City Council;

- (5) Receive annually in the month of January from the Zoning Administrator his/her recommendations as to the effectiveness of this ordinance as its [it] relates to the policies of the Comprehensive Plan of the City of Peoria and any amendments he/she may recommend be made to the ordinance, and report the Commission's conclusions and recommendations on such matters to the City Council;
- (6) 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;
- (7) Review all applications and recommendations from the Site Plan Review Board with respect to special exceptions under regulations governing neighborhood conservation districts, hold public hearings thereon, and make a final determination as to whether such special exceptions should be granted or denied;
- (8) 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.

2.7.c. Reserved.

2.8. The City Council.

2.8.a. Creation. The City Council established in previous texts of the Peoria City Code, in accordance with the Constitution of the State of Illinois and the Revised Statutes of the State of Illinois, is hereby authorized to continue and to exercise such authority as is provided in this ordinance. The word Council when used in this Section shall be construed [to mean the City] Council.

2.8.b. Jurisdiction. The City Council shall discharge the following duties under this ordinance:

- (1) Receive recommendations from the Planning and Zoning Commission, and take action upon all proposed amendments, special uses, N1 Official Development Plans and planned unit development applications.
- (2) Reserved.
- (3) Reserved.
- (4) Review and where appropriate, act upon the annual report from the Planning and Zoning Commission and Zoning Administrator concerning the status of this zoning ordinance with regard to effectiveness of the ordinance, administrative procedures and relationships to the Official Comprehensive Plan of the City of Peoria as amended.
- (5) Receive and act upon other matters required by this ordinance and forwarded by the Zoning Administrator, other City Officials or citizens.
- (6) Approve or deny any application for modification or elimination of restrictive covenants after receiving recommendations and findings of fact from the Planning and Zoning Commission.

2.14. Amendments.

2.14.a. Authority; Declaration of Public Policy. For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community and reducing or avoiding congestion in the public streets and highways, the City Council may amend the regulations imposed in the districts created by this ordinance in the manner hereinafter set forth. Also the City Council may amend district boundary lines, provided that in all mandatory ordinances adopted under the authority of this Section, due allowances shall be made for the following:

- (1) Existing conditions;

- (2) The policies, standards, and principles of the official Comprehensive Plan of the City of Peoria, as amended;
- (3) The conservation of property values;
- (4) The trend of development of the entire City and area for which amendment is proposed; and
- (5) The uses to which property is devoted at the time of the adoption of such amendatory ordinance.

2.14.b. Initiation of Amendments. 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.

Amendments may also be proposed by the City of Peoria.

Amendments to the text of this Zoning Ordinance may be proposed by the Planning and Zoning Commission, Zoning Administrator, or by any person.

2.14.c. Application for Amendment Procedure. An application for an amendment to this ordinance 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 SPRB prior to public hearing by the Planning and Zoning Commission.

2.14.d. Hearing on Application. 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.

2.14.e. Notice Requirements for Public Hearing for Amendments. Not less than fifteen (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:

- (1) Publication at least once in a newspaper of general circulation within the City of Peoria;
- (2) 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
- (3) 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 ordinance.

2.14.f. Findings of Fact and Recommendation of the Planning and Zoning Commission. 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) The impact upon the objectives of the Official Comprehensive Plan of the City of Peoria, as amended;
- (7) Investigation of other suitable ways of accomplishing the proposed purpose of the amendatory petition;
- (8) The health, safety and general welfare of the City in [the] general and immediate area of the property subject to the amendment in particular; and
- (9) The enjoyment of property by neighbors for its intended use.

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 paragraph, the RE District shall be considered the highest classification and the I-3 district shall be considered the lowest classification.

2.14.g. Action by the City Council.

- (1) The City Council shall not act upon a proposed amendment to this ordinance 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 Section 2.14.f. 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.
- (2) The City Council shall take action on all proposed amendments to this ordinance forwarded to it by the Planning and Zoning Commission.

2.14.h. Effect of Denial of a Proposed Amendment. No application for a text or map amendment which has been denied by the City Council shall be submitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Zoning Administrator.

2.15. Special Uses.

2.15.c. Application for Special Use. 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) Reserved.
- (2) Points of ingress and egress for the proposed development.

- (3) Parking plan illustrating internal circulation for the proposed development.
- (4) Sign plan for all activity.
- (5) Landscaping, screening and buffering plans illustrating specific treatment for screening adjacent residential areas from undesirable impacts from the activity on the proposed site.
- (6) Exterior lighting plan illustrating the location of all illuminating fixtures.
- (7) Estimated traffic generation of the proposed development.
- (8) Illustration of any special treatment of the proposed site that enhances the quality of design.
- (9) Boundary lines—Bearings, distances and acreage.
- (10) Easements—Location, width and purpose.
- (11) Reserved.
- (12) Streets on, adjacent to, the tract—Street name, right-of-way width, existing or proposed center line elevations, pavement types, walks, curbs, gutters, culverts, etc.
- (13) 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.
- (14) Map data—Name of development, north point, scale and date of preparation.
- (15) An accurate legal description of the subject property.
- (16) 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.
- (17) Elevations.

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.

2.15.d. Hearing on Application for Special Uses. 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.

2.15.g. 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 Commission shall keep a written record of findings relative to the standards for considering special use applications as listed in the following standards.

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

- (1) 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;

- (2) 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;
- (3) 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;
- (4) Adequate facilities, access roads, drainage and/or necessary facilities have been or will be provided;
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (6) The proposed special use is not contrary to (supports and furthers) the objectives of the Official Comprehensive Plan of the City of Peoria, as amended;
- (7) 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;
- (8) 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.

2.15.i. 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 Section 2.15.h. above. 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.

2.15.j. 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.

2.15.k. 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.

2.15.n. Planned Unit Development (PUDs).

- (1) 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.

A Planned Unit Development shall be granted as a unique type of special use in the districts in which planned unit developments are allowed, in accordance with the procedures and standards set forth in this Section.

It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

- (a) Designs in residential areas which reflect the historic open character of single family areas of the City;
 - (b) Designs which provide substantial buffers and transitions between areas of different land use and development densities;
 - (c) Designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces;
 - (d) Designs which counteract possible urban monotony and congestion in streets;
 - (e) Designs which promote compatible architecture between adjacent buildings; and
 - (f) Designs which will buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development.
- (2) Intent. These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses and that may be located in more than one zoning district.

In general, the Planned Unit Development provisions of this ordinance are intended to provide the following:

- (a) A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other Sections of this ordinance;
- (b) Development and/or permanent reservation of open space, recreational areas and facilities;
- (c) A land use plan which permits preservation of green space, natural vegetation, topographic and geological features and historic resources;
- (d) A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities;
- (e) The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities;
- (f) Innovations in development so that the growing needs and demands of the population may be met by a greater variety in type, design, and layout of buildings, and by conservation and more efficient use of open space ancillary to said buildings, all in a manner so as to be consistent with the character of the zoning district in which the Planned Unit Development is located;
- (g) A land use which promotes the public health, safety, comfort, morals and welfare.

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.

- (3) 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.

(4) Special Requirements for Planned Unit Development.

(a) The minimum gross area required for a planned development shall be ten (10) acres.

(b) The procedures and standards set forth in this Planned Unit Development section shall apply to all planned unit developments which are proposed, or maintained within the City of Peoria, or in an unincorporated area within one and one-half miles from the City limits.

(5) 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.

Applications shall be made on forms provided by the City and shall be accompanied by the required plats and documents. The application, and each step set forth herein shall be reviewed and certified as complete by the Zoning Administrator and to be in accordance with the Planned Unit Development requirements.

(6) 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:

(a) A written "Letter of Intent" from the applicant establishing his/her intentions as to development of a specific Planned Unit Development located within the City of Peoria.

(b) A location map.

(c) Sketch plans and ideas regarding land use, dwelling type and density, street and lot arrangement and tentative lot sizes.

(d) Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

(e) A statement setting forth the reasons why the relief sought requires the use of a planned unit development and could not be sought by application for one or more variances.

(f) Other material the applicant may wish to present.

The Zoning Administrator shall advise the applicant of the zoning requirements and official City plans and policies which might affect the proposed development as well as the procedural steps for approval.

(7) 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:

(a) Submission of the following:

- (1) Items (a) through (e) required for the preapplication conference.
 - (2) Written application for approval of a Planned Unit Development shall be made on forms and in the manner prescribed by the City.
 - (3) A statement of conformity with City's Subdivision Regulations along with a list of any requested variations from this ordinance.
 - (4) 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.
- (b) 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.
- (c) The Site Plan Review Board shall review the preliminary plan and submit written findings and recommendations to the Planning and Zoning Commission.
- (d) The Planning and Zoning Commission shall review and consider and hold a public hearing on each application for approval of a Planned Unit Development.
- (e) 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 2.15.I.(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.
- (f) 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.
- (g) Approval of the Preliminary Plan for a Planned Unit Development shall not constitute approval of the Final Planned Unit Development Plan. Rather it shall be deemed an expression of approval of the concepts and details of the Preliminary Plan of the Planned Unit Development, which are set forth in the Application for Approval of the Planned Unit Development, and as a specific guide to the preparation of final documents which are required as part of the Application for Approval of the Final Planned Unit Development Plan. Further, it indicates approval of the details set forth in the application and a commitment by the applicant to such details.

No building permit shall be issued for any structure until the Final Plan has been filed, approved by the City Council, and recorded with the County Recorder, as provided below.

- (g) Upon approval of the Preliminary Plan by the City Council a record shall be certified by the City Clerk including the Application for Approval of a Preliminary Plan for a Planned Unit Development, conditions applied, modifications and any density premiums which may be granted, and exceptions, if any, to the plan shown in the application which were ordered by the City Council.
 - (i) The applicant may choose to construct facilities and other improvements described in Article VII of the Subdivision Ordinance prior to the approval of the Final Plan. Approval for such construction may be granted by the City Council at the time a Preliminary Plan is approved. When such approval is granted and appropriate performance bonds and guarantees accepted by the City Council in accordance with the requirements set forth in Section 7-201 of the Subdivision Ordinance, permits may be issued for the construction of such facilities or other improvements.
- (8) 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:

- (a) 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.
- (b) All Final Plans shall be accompanied by a written construction schedule for the development.
- (c) 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.

- (9) Changes in the Planned Unit Development. A Planned Unit Development shall be developed only according to the approved and recorded Final Plan and all supporting data. The recorded Final Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of the premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development, as set forth therein.
- (a) Major Changes. Changes which alter the concept or intent of the Planned Unit Development, including but not limited to: increases in the density; increases in the height of the building; reductions or of proposed open space; more than a 10 percent modification in proportion of housing types; changes in standards or alignment of roads; utilities; water; electricity; and drainage; or changes in the final governing agreements, provisions, or covenants, may be approved only by submission of a new Preliminary Plan

and supporting data, and following the "preliminary approval" steps, holding of a new public hearing and subsequent amendment of the Final Planned Unit Development Plan.

- (b) Minor Changes. The administrator or his/her designee may approve minor changes to the conditions of an approved Special Use Permit or Planned Unit Development, provided it is determined that the proposed change(s) are an allowed use within existing the existing zoning district and are in keeping with the approved land use and general conditions of the site plan adopted by the Peoria City Council. It should further be determined that the proposed change will not be detrimental to the public health, safety or welfare of the surrounding properties.
- (10) Recording the Final Plan. The ordinance construction of the Planned Unit Development shall be effective only upon recording of the Final Planned Unit Development Plan and supporting data with the County Recorder of Deeds by the petitioner. No permit allowing construction of a building or other development, shall take place until the required recording of the Final Plan, approval of the final engineering plans by the City Engineer and the posting by the applicant of the required improvement deposits, as set forth in Section Article VII of the Subdivision Ordinance. All recording costs shall be paid by the applicant.
- (11) Specific Content of Plans. Planned Unit Development Plans and supporting data shall include all documentation listed in this section of the zoning ordinance. In developing plans and specifications for all required improvements, the applicant must also conform to the standards set forth in the City's Subdivision Regulations or specifically state where and for what purpose he/she wishes to be granted exceptions to those regulations.
- (a) Pre-application Stage.
 - (1) General Site Information: Data regarding site conditions, land characteristics, general land use zoning, available community facilities and utilities, existing covenants, and other related general information about land uses within one-half mile of the proposed site perimeter.
 - (2) Sketch Plan: A scaled drawing in simple sketch form showing the proposed location and extent of the land uses, major streets, lots, and other features as they are related to the site.
 - (3) Legal Description: A property survey and legal description of the site proposed for development.
 - (b) Preliminary Plan Stage.
 - (1) Detailed Plan: A drawing of the Planned Unit Development shall be prepared at a scale not less than one inch equals 50 feet and shall show such designations as proposed streets (public and private), all buildings, their yards and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings, and shall include:
 - (a) Boundary lines—Bearings, distances and acreage.
 - (b) Easements—Location, width and purpose.
 - (c) Existing land use—Within 500 feet of all sides of the site.
 - (d) Other conditions on adjoining land—Actual direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; for owners of adjoining platted land refer to subdivision plat by name, recording date and number and show approximate percent built up, typical lot size, and dwelling type.

- (e) Zoning on and adjacent to the tract.
 - (f) Streets on, adjacent to, the tract—Street name, right-of-way width, existing or proposed center line elevations, pavements [pavement] type[s], walks, curbs, gutters, culverts, etc.
 - (g) Proposed public improvements—Highways and other major improvements planned by public authorities for future construction on or near the tract.
 - (h) Utilities on, adjacent to, the tract—Location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights; direction and distance to, and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.
 - (i) Ground elevation on the tract and on the first 50 feet on all adjacent tracts of land showing one-foot contours for land which slopes less than one-half percent along with all breaks in grades, at all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than one-half percent showing two-foot contours. Any land within the 100 year floodplain within the project area shall be identified on these plans.
 - (j) Subsurface conditions on the tract, if required, tests made to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five feet.
 - (k) Other conditions on the tract—Water courses, marshes, rock outcrops, wooded areas, isolated trees one foot or more in diameter, existing structures and other significant features.
 - (l) Title and certificates—Present tract designation according to official records in offices of the County Recorder; title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage. Owners shall include beneficial owners of any land trust.
 - (m) Names—The names and addresses to whom notices of hearings hereunder shall be sent, including the subdivider or developer, the designer of the subdivision or development, and the owners of the land immediately adjoining the land to be platted.
 - (n) 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.
 - (o) General location, purpose, and height of each building, other than detached single-family residences or individually platted lots.
 - (p) Map data—Name of development, north point, scale and date of preparation.
 - (q) 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.
 - (r) Legal description.
- (2) Variations: Identification and explanation of those aspects of the proposed Planned Unit Development that vary from the Zoning Ordinance requirements applicable to the underlying zoning district and from the Subdivision Regulations of the City.
- (4) Character: Explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these

regulations. This item shall include a specific explanation of how the proposed Planned Unit Development meets the objectives of all official plans which affect the land in question.

- (5) Ownership: Statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
- (5) Schedule: Development schedule indicating:
 - (a) Stages in which project will be built, with emphasis on area, density, use and public facilities, such as open space to be developed with each stage. Each stage shall be described and mapped as a unit of the project. Overall design of each unit shall be shown on the plan and through supporting graphic material.
 - (b) Dates for beginning and completion of each stage.
- (6) Covenants: Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continue protection of the Planned Unit Development and any of its common open space.
- (7) Nonresidential Intensity: Provide information on the type and amount of nonresidential uses including building locations, sizes, floor area ratio, building height, the amount and location of common open space, the hours of operation, number of employees, and specific uses.
- (8) Service Facilities: Provide information on all service facilities, driveways, private streets, paths and off-street parking facilities.
- (9) Architectural Plans: Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units.
- (10) Facilities Plan: Preliminary plans and, if requested by the City of Peoria, feasibility reports for:
 - (a) Roads, including classification, width of right-of-way, width of pavement, and construction details.
 - (b) Sidewalks.
 - (c) Sanitary sewers.
 - (d) Storm drainage.
 - (e) Water supply system.
 - (e) Street lighting.
 - (g) Public utilities.
- (10) Landscape Plan: A detailed landscape planting plan for the site including a plant list containing the common and botanical names, sizes, at the time of installation, and quantities of all plants, permanent signs and street fixtures. A "typical" planting detail may be provided for any area such as a building foundation that will use a specific planting layout in more than one location on the site.
- (12) 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.

Information will include detailed estimates on expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital investments required, in part or in whole, because of the Planned Unit Development; revenue generated for each taxing body by the Planned Unit Development to offset service and fiscal demands created by the Planned Unit Development. The study should include a cash flow analysis based on the proposed staging of the Planned Unit Development.

- (13) 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.
- (14) 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.
- (15) Neighborhood Association Meeting: The petitioner shall meet with any neighborhood association on record with the City and identified by the City as affected, due to proximity, by the development. The petitioner shall present the City with a letter from the President of the Association certifying that a meeting was held to discuss the plan, and the results shall be summarized.

(c) Final Plan Stage.

- (1) 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:

- (a) An accurate legal description of the entire area under immediate development within the Planned Unit Development.
- (b) If subdivided lands are included in the Planned Unit Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat in accordance with the City's Subdivision Regulations.
- (c) An accurate legal description of each separate unsubdivided use area, including open space.
- (d) Designation of the location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put, including construction details, showing center line elevations, pavement type, curbs,

gutters, culverts, etc., and a street numbering designation shall be furnished for each building.

(e) A statement signed by an Illinois Registered Professional Engineer stating that:

The Planned Unit Development will conform to City Standards for run-off.

The Planned Unit Development will not overload existing storm or sanitary sewers.

Except where a specific variation is stated, the design of all improvements is in accordance with the City of Peoria, Subdivision Regulations as well as standard and good engineering practice.

(e) Certifications, seals, and signatures required for the dedication of land and recording of the document.

(f) Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre.

(h) Construction schedule.

(2) Common Open Space Documents: All common open space, at the election of the City shall be:

(a) Conveyed to a municipal or public corporation.

(b) Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the Planned Unit Development or adjoining property owners or any one or more of them. All lands conveyed hereunder shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or

(c) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners and/or both.

(4) Improvements—Guarantee of Performance: The owner and/or developer shall guarantee the completion of all required improvements and facilities, as set forth in the City of Peoria's Subdivision Regulations, except where varied by this application of these procedures, whether said improvement or facilities shall become public or remain private, by either completing the improvements in advance of approval of the Final Plan or submitting irrevocable letters of credit in a form and from a financial institution acceptable to the City's legal department (or an escrow department) in an amount equal to at least 100 percent of the construction cost estimate approved by the City Engineer of said improvements and facilities at the time said improvements and facilities are scheduled to be installed according to the Planned Unit Development's staging program.

(4) 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:

(a) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose and character of the Planned Unit Development.

(b) That the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the neighborhoods surrounding the

Planned Unit Development, or upon the internal character of any part of, or all of the Planned Unit Development, itself.

- (c) Bulk Regulations: In the case of any Planned Unit Development, the Planning and Zoning Commission may recommend and the City Council may authorize exceptions to the applicable bulk regulations of this ordinance within the boundaries of such Planned Unit Development, provided that the Planning and Zoning Commission shall find:
- (d) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots;
- (e) That along the entire periphery of such Planned Unit Development a 25 foot wide minimum yard shall be provided. This dimension may be increased for any yard upon review of the Planned Unit Development.

(5) Designation of Permanent Common Open Space:

- (a) Definition: Permanent open space shall be defined as parks, playgrounds, landscaped green space not including schools, community centers or other similar areas in public ownership or areas covered by an open space easement.
- (b) Designation: No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped open space equivalent to the following by type of Planned Unit Development:
 - (i) Planned Residential Development: 35 percent.
 - (ii) Planned Commercial Development: 10 percent.
 - (iii) Planned Office Development: 25 percent.
 - (iv) Planned Industrial Development: 15 percent.

(6) 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:

- (a) In what respects the proposed plan is or is not consistent with the stated purpose of the Planned Unit Development Regulations.
- (b) The extent to which the proposed plan meets the requirements and standards of the Planned Unit Development Regulations.
- (c) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk, and improvements, construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.
- (d) The extent of public benefit produced, or not produced, by the Planned Unit Development in terms of meeting the planning objectives and standards of the City. Any specific beneficial actions, plans or programs agreed to in the Planned Unit Development proposal which are clearly beyond the minimum requirements of this ordinance shall be specifically listed as evidence of justified bulk premiums and/or use exception.

- (e) The physical design of the proposed plan and the manner in which said design does, or does not, make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
- (f) The reasons why the approval of proposed construction, or land uses require a planned unit development and could not be sought under other provisions of this Ordinance.
- (g) The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and neighborhood.
- (h) The desirability of the proposed plan to the City's physical development, tax base and economic well-being.

2.16. Official Development Plans.

2.16.a. Purpose. The purpose of the Official Development Plan is to provide a mechanism for the review and approval of land uses within the institutional districts. It is anticipated that a separate Official Development Plan shall be approved for each institution within the institutional district, and that the development plan for each institution will be applicable to all the property owned or controlled by the institution which is within an institutional district.

2.16.b. Application for Adoption or Amendment of an Official Development Plan. An application for an Official Development Plan shall be filed with the Zoning Administrator and shall be accompanied by a site plan and text setting forth the information described below, and such other information as shall be required by the Zoning Administrator:

- (1) The boundaries of the area to be designated in the official development plan.
- (2) The location of all existing structures, and structures for which building permits may be sought in the immediate future.
- (3) Points of ingress and egress for the area designated within the official development plan.
- (4) Any change from the requirements which would govern parking, signs, landscaping, setback, or yard use.
- (5) Landscaping, screening and buffering plans illustrating specific treatment for screening adjacent areas from the impacts of activities on areas designated in the official development plan.
- (6) An exterior lighting plan illustrating the location of all illuminating fixtures, or illuminated signs.
- (7) Illustration of any special treatment of the proposed site that enhances the quality of design.
- (8) Streets on, adjacent to, or within the area located within the official development plan.
- (9) Customary map data such as the name of the institution seeking approval of an official development plan, north point, scale, and date of preparation.
- (10) A legal description of the property to be located within an area designated in the official development plan.
- (11) Specific designation of the uses, and special uses sought to be approved for the area within the official development plan, or for specific portions of the area designated in any such official development plan.

(12) Any variation from the overall required parking, or perimeter setback requirements which is sought.

2.16.c. Review of Application for Adoption or Amendment. 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.

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.

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 2.15.e. 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.

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.

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

- (1) 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.
- (2) 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.
- (3) Adequate facilities, access roads, drainage, and/or other necessary facilities exist or will be provided.
- (4) Measures have been or will be taken to provide adequate ingress and egress to minimize traffic congestion of public streets.

2.16.e. 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 Ordinance.

2.16.f. 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 sixty (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 chapter shall be construed as an Amendment to this ordinance, 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.

2.19. SUMMARY TABLE FOR VARIATIONS, SPECIAL USES, PUDs AND AMENDMENT APPROVAL

| | Review and Recommendation | Conduct Hearing | Final Decision by City | Appeals |
|---|---------------------------|-----------------|------------------------|---------|
| Minor Variations and Permitted Uses (no site plan review) | — | — | Administrator | ZBA |
| Minor Variations and Permitted Uses (site plan review required) | — | — | SPRB | ZBA |
| Major Variations | SPRB | ZBA | ZBA | None |
| Amendments to Ordinance | SPRB | <u>P</u> ZC | Council | None |
| Special Use | SPRB | <u>P</u> ZC | Council | None |
| Planned Unit Developments | SPRB | <u>P</u> ZC | Council | None |
| Neighborhood Conservation Certificates of Appropriateness | | | | |
| (1) Alteration | — | — | SPRB | ZBA |
| (2) <u>Special Exception</u> | SPRB | <u>P</u> ZC | <u>P</u> ZC | None |
| Official Development Plans | SPRB | <u>P</u> ZC | Council | None |

ARTICLE 3. GENERAL REGULATIONS AND USES PERMITTED WITH ADMINISTRATIVE APPROVAL

3.1. General Regulations.

3.1.d. Existing Uses with Approval and Special Exceptions. Where a use has been classified by this ordinance as a use with approval or special exception under this ordinance and granted as such a use before or at the date of the adoption of this ordinance it shall be considered to be a legal use with approval or special exception. Uses with approval or special exceptions that (1) include conditions requiring some type of review or action by the Planning and Zoning Commission, or (2) are subject to a request for amendments will have the same requirements as outlined in section 2.15.

3.3. Wireless Telecommunications Facilities Siting Ordinance.

3.3.g. Public Hearing and Notification Requirements for Special Use permits.

(1) Prior to the approval of any application for a Special Use Permit for Wireless Telecommunications Facilities, a Public Hearing shall be held by the Planning and Zoning Commission, pursuant to Section 2.15. of this Ordinance.

ARTICLE 6. ZONING DISTRICTS

6.2. Map.

6.2.c. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Planning and Zoning Commission, after due hearing, may extend the regulations for either portion of such lot.

6.4. Zoning of Annexed Land.

Land hereafter annexed to, or consolidated with, the City of Peoria shall be assigned [to] a Single Family Residence 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.

ARTICLE 7. – RESIDENCE DISTRICTS

PART A. GENERAL REQUIREMENTS

7.1. General Provisions.

7.1.b. Special Uses. Special uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to review by the Planning and Zoning Commission and recommendation to the City Council for approval in accordance with the provisions of Section 2.15. Unless otherwise specifically set forth, whenever a special use is named as a major category in this Article, it shall be deemed to include all and only those itemized uses listed under the said category.

PART B. DISTRICT REQUIREMENTS

7.2. Agricultural District.

7.2.b. Permitted Uses. The following uses are permitted in the A1 District:

- (16) 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 and Zoning Commission and City Council.

7.3. RE Estate Residence District.

7.3.b. Permitted Uses. The following uses are permitted in the RE District:

- (9) 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 and Zoning Commission and City Council.

7.4. R1 Single-Family Residence District.

7.4.b. Permitted Uses. The following uses are permitted in the R1 District:

- (9) 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 and Zoning Commission and City Council.

7.5. R2 Single-Family Residence District.

7.5.b. Permitted Uses. The following uses are permitted in the R2 District:

- (9) 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 and Zoning Commission and City Council.

7.6. R3 Single-Family Residence District.

7.6.b. Permitted Uses. The following uses are permitted in the R3 District:

- (9) 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 and Zoning Commission and City Council.

7.7. R4 Single-Family Residence District.

7.7.b. Permitted Uses. The following uses are permitted in the R4 District:

- (9) 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 and Zoning Commission and City Council.

7.8. R5 Residential Cluster Development District.

7.8.b. Permitted Uses. The following uses are permitted in the R5 District:

- (10) 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 and Zoning Commission and City Council.

7.9. R6 Multi-Family Residence District.

7.9.b. Permitted Uses. The following uses are permitted in the R6 District:

- (5c) Multi-family dwellings (nine or more in one building on a lot or site subject to the district density maximum and development containing more than one building on a lot or site irrespective of the number of units in each building established after November 5, 1996) are subject to plan review and approval of the City Planning and Zoning Commission and City Council as provided in Appendix A of the City Code.

- (12) 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 and Zoning Commission and City Council.

7.10. R7 Multi-Family Residence District.

7.10.b. Permitted Uses. The following uses are permitted in the R7 District:

(8c) Multi-family dwellings (nine or more in one building on a lot or site subject to the district density maximum and development containing more than one building on a lot or site irrespective of the number of units in each building established after November 5, 1996) are subject to plan review and approval of the City Planning and Zoning Commission and City Council as provided in Appendix A of the City Code.

(13) 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 and Zoning Commission and City Council.

7.11. R8 Multi-Family Residence District.

7.11.b. Permitted Uses. The following uses are permitted in the R8 District:

(13) 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 and Zoning Commission and City Council.

ARTICLE 9. – COMMERCIAL DISTRICTS

PART B. DISTRICT REQUIREMENTS

9.6. C1 General Commercial District.

9.6.b. Permitted Uses. When the Zoning Administrator finds that a particular use is in keeping with the intent and purpose of the C1 Commercial District, and can adequately meet the standards established

for the C1 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 C1 District:

(68) 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 and Zoning Commission and City Council.

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:

(108) 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 and Zoning Commission and City Council.

ARTICLE 10. – OFFICE DISTRICTS

PART B. DISTRICT REQUIREMENTS

10.2. O1 Arterial Office District.

10.2.c. Permitted Uses. The following uses are permitted in the O1 District:

(10) 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 and Zoning Commission and City Council.

10.3. O2 Exclusive Office Park District.

10.3.c. Permitted Uses. The following uses are permitted in the O2 District:

- (11) 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 and Zoning Commission and City Council.

ARTICLE 12. – N1 INSTITUTIONAL DISTRICT

PART B. DISTRICT REQUIREMENTS

12.6. Yards.

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 twenty-five (25) feet deep, or, if at least fifty percent (50%) of the block is developed on the effective date of this ordinance, the perimeter yard shall be the average of the existing setbacks or twenty-five (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 ordinance.

12.8. Parking and Loading.

The parking and loading requirements for the Institutional District shall be as specified in Article 15, 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 Article 15. 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 ordinance.

ARTICLE 14. OVERLAY DISTRICTS

14.1. Neighborhood Conservation Overlay District (oNC).

14.1.f. Actions Requiring Review and Certification of Appropriateness. Except as otherwise provided for in this Ordinance, it shall be unlawful for any person, firm, corporation or other legal entity to:

- (1) 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
- (2) 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 SPRB has issued a Certificate of Appropriateness specifically authorizing such work.

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 Section 14.1.h. 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.

- (3) Building or Structural Alterations. Any exterior alteration, change, addition, removal or demolition of part or all of a structure shall be reviewed for conformance with the standards of this overlay district listed below in Section 14.1.i and if approved by the Site Plan Review Board, shall be granted a Certificate of Appropriateness.

Specific actions requiring a Certificate of Appropriateness are listed below:

- (a) Erection of new buildings or structures;
- (b) Demolition of all or part of an existing building or structure;
- (c) Moving a building or structure;
- (d) Structural enlargement of a building or structure;
- (e) Exterior rehabilitation of an existing building or structure;
- (f) Enclosure or removal of a porch;
- (g) Construction of an off-street parking facility;
- (h) Alteration of architectural details including fenestration, doors, railings, or siding; and
- (i) Exterior walks, driveways, or stairs.

The provisions of this Section shall apply whether or not the work would require a building permit ~~from the Department of Inspections~~. However, this Section shall not be construed to prevent the ordinary maintenance of any building, or structure in the overlay district.

Ordinary maintenance shall include such things as painting, roof repair and replacement, and other routine maintenance necessary to preserve the structural integrity of the building or structure.

- (4) Special Exception Status for Nonconforming Residential Conversions. 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 14.1 and is specifically listed as an allowable special exception [in Section] 14.1.h., 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.

- (5) Revocation of Certificate of Appropriateness for an oNC 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.

14.1.g. Procedures for Securing oNC Certificate of Appropriateness. 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.

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.

The Zoning Administrator shall forward complete applications to the appropriate entity for review, fact finding and decision within thirty (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) Application for Certificates of Appropriateness for Special Exceptions Require Public Hearing. 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.

The Planning and Zoning Commission may grant the Certificate of Appropriateness with conditions or deny the application for a certificate.

14.1.h. Allowable Special Exceptions Under the oNC. The following uses, and no others, except those treated as uses with administrative approval, which met [meet] the standards established in Section 14.1.i. below, may be authorized by the Planning and Zoning Commission as Special Exceptions under the Neighborhood Conservation (oNC) Overlay District in accordance with the provisions of Section 14.1.g.(2) above:

- (1) 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).
- (2) Three-family dwelling units (only on lots with a minimum size of 7,500 square feet and a minimum width of 50 feet).
- (3) Day-care centers.
- (4) Family care facilities.

14.1.i. 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 board determines are applicable for either physical changes or alterations or for neighborhood conservation Special Exceptions, or both:

14.3. oT Controlled Thoroughfare Corridor Overlay District.

14.3.a. Statement of Purpose. The purpose of a controlled thoroughfare overlay district 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 district. 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:

- (1) Aggregate individual lots into larger parcels of land which will prevent the traditional lot by lot development with multiple access points.
- (2) 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.
- (3) Establish district "themes" which define the basic permitted uses but provide the flexibility of including other related uses under controlled conditions.
- (4) 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.

14.3.b. Procedure for Designation. 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 controlled thoroughfare corridor district and would make land use recommendations within the proposed controlled thoroughfare corridor district. The planning department shall identify and document the physical characteristics examined to arrive at their conclusions.

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 and Zoning Commission. 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 unit [until] it has adopted the boundaries for the controlled thoroughfare corridor designation. Upon adoption, the designated area shall be indicated on the official zoning map, and the Comprehensive Plan shall be amended to reflect the changes in land use.

14.3.c. Permitted Zoning Districts for Use of a Controlled Thoroughfare Corridor Overlay District. The following zoning districts are the only permitted base districts for application of the Controlled Thoroughfare Corridor Overlay District:

- (1) RE through R8 Residential Districts.
- (2) Arterial Office District (O1).
- (3) General Commercial District (C1).
- (4) Large Scale Commercial District (C2).

14.3.d. Conditions for Specific Land Use Designations.

- (1) General Conditions.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) All development within the OT 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 [as provided in Section] 2.15.c.

ARTICLE 16. LANDSCAPING AND SCREENING

16.5. Alternative Compliance.

16.5.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.

ARTICLE 17. SIGN ORDINANCE

17.11. Freestanding Signs.

17.11.d. Off-Premises Freestanding Signs. Off-premises signs are freestanding signs located in certain nonresidential districts that advertise goods, products, services or facilities, or direct persons to a location different from where the sign is installed:

(6) Limitation on New Off-Premises Signs Greater Than Eight Square Feet.

- (g) The number of replacement signs and the location of such signs shall be reviewed by the Planning and Zoning Commission and City Council by no later than June 1, 2007.

17.16. Signs Allowed Only by Special Permit.

Certain types of signs shall only be allowed by special permit granted by the City Council, pursuant to the special use process, after a public hearing by the Planning and Zoning Commission. Such special permits are required because these categories of signs are of such a nature that their construction and operation may give rise to unique problems with respect to their impact upon neighboring properties.

17.16.a. Types of Signs Allowed by Special Permit. The following types of signs will be allowed by special permit only:

- (1) Historic signs;
- (2) Reserved;
- (3) Inflatable signs, balloons, or other air or gas filled signs or fixtures for purposes other than a business grand opening or for properties located in residential districts;
- (4) Certain illuminated signs listed in the Table of Basic Design Elements;
- (5) Signs governed by "local sign regulations"; and
- (6) Marquee and rooftop signs in nonresidential districts other than B1.

17.16.b. Special Permit Standards. The following standards shall be the criteria by which the Planning and Zoning Commission recommends and the City Council evaluates the suitability of proposed signs to be granted by special permit:

- (1) That the proposed location does not block the view of other signs in the area;
- (2) That the size does not unduly infringe upon the health, safety or welfare of persons occupying or moving through the surrounding area; and
- (3) That the sign is materially consistent with the objectives of this ordinance;
- (4) That the proposed sign is compatible in scale to the surroundings.

17.16.c. Administration of Special Permit. Regulations for procedure and for hearings shall be the same as that outlined for special uses.

17.17. Local Sign Regulations.

17.17.a. Submission of Regulations. A shopping center or any association of merchants doing business within a specific area within the City, a university or hospital having a multi-building campus, or an industrial/business park or office park may establish regulations for such shopping center, campus, office or industrial park area. Such regulations (hereinafter called "local sign regulations") shall be submitted to the Site Plan Review Board for review and forwarded to the Planning and Zoning Commission for a Public Hearing and recommendation to the City Council. If, and to the extent that, local sign regulations are approved by the City Council, such local sign regulations shall be observed by the persons affected in lieu of compliance with this ordinance.

17.17.b. Conditions for Approval. No local sign regulations will be approved unless the regulations are binding upon all persons in the university campus, shopping center, office or industrial/business park, of the specific area within the City to which the regulations are intended to apply.

17.17.c. Approval Procedure. Persons desiring to obtain approval of local sign regulations pursuant to this Article 17 shall submit the regulations to the Zoning Administrator, together with any additional material requested by the Zoning Administrator. The Zoning Administrator shall review the regulations and transmit them to the Site Plan Review Board for recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission will then conduct a public hearing and submit their comments to the City Council for final action.

ARTICLE 18. DEFINITIONS

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 (3) family dwelling unit, day care center, or family care facility pursuant to the Standards and Criteria for Certificates of Appropriateness (Section 14.1.i.).

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

Local Sign Regulations: Signs governed by "Local Sign Regulations" will be allowed by special permit only; a shopping center or any association of merchants doing business within a specific area of the city, a university or hospital having a multi-building campus, or an industrial/business park or office park may establish regulations for such shopping center, campus or an office or industrial/business park area. Such regulations shall be submitted to the Site Plan Review Board for review and forwarded to the Planning and Zoning Commission for a public hearing. Such local sign regulations, to the extent that they are approved by the Planning and Zoning Commission, shall be observed by the persons affected in lieu of compliance with the Zoning Ordinance.

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