



# PLANNING & ZONING COMMISSION

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

**FROM:** Development Review Board, presented by Shannon Techie

**DATE:** April 5, 2018

**CASE NO:** PZ 18-B

**REQUEST:** Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, related to multi-family residential dwellings in office, commercial, and industrial zoning districts.

**SUMMARY OF PROPOSAL**

The proposed amendment was a request from the City Council, and includes the following changes related to the use of an apartment:

ITEM	DESCRIPTION	APPENDIX A SECTION
Permitted Districts	Currently an apartment is a permitted in the R-6, R-7, R-8, O-1, N-1, C-N, C-1, C-G, C-2, I-1 and I-2 districts. The proposed change keeps apartments as a permitted use in the R-6, R-7 and R-8 (Multi-Family) districts and makes them a special use in the O-1, C-N, C-1, C-G, C-2, I-1 and I-2 Districts.	5.2.2
Use Standards	Added a use standard for apartments, which includes: <ul style="list-style-type: none"> <li>• Apartments developed in residential districts shall not exceed the density of the applicable zoning district. Apartments developed in non-residential zoning districts shall not exceed the density of 15.02 dwelling units per acre.</li> </ul>	5.3.1.D
Definition	A building, or portion thereof, designed for occupancy by three or more families living independently of each other. These structures do not include triplexes, fourplexes, courtyard apartments, single-room occupancies, or other multi-unit configurations, where those are defined separately.	10.3

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**

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

**ATTACHMENTS**

1. Ordinance

## 5.2.2 Permitted Use Table

USE CATEGORY	SPECIFIC USE	A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	N1	CN	C1	CG	C2	B1	I1	I2	I3	Use Standard		
Household Living (see 5.6.2.A)	Single-Family	■		■	■	■	■	■	■	■	■	■													5.3.1A	
	Two-Family (Duplex)			■	■	■	■	■	■	■	■	■													5.3.1A	
	Townhouse						□	□	■	■	■	■				■		■								
	Apartment									■	■	■	■-□			■	■-□	■-□	■-□	■-□	■	■-□	■-□			5.3.1D
	Upper Story Residential												■	■	■	■	■	■	■	■	■	■	■	■		
	Live-Work													■	■	■	■	■	■	■	■	■	■	■		5.3.1B

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## 5.3 - USE STANDARDS

### 5.3.1 Residential Use Standards

#### A. Two Family (Duplex)

A duplex is permitted only when designated at the time of platting.

#### B. Live/Work

1. A residential unit used as both living accommodation, which includes cooking space and sanitary facilities in conformance with applicable building standards; and adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons who reside in the unit.
2. Direct internal access between the living and working space is required.
3. At least one full-time employee shall reside in the unit. The living space shall not be rented separately from the working space. The business activity occupying the live/work unit may utilize employees in addition to residents as necessary.
4. Each live/work unit shall have a primary entrance from the street. In the Warehouse Form District, each live/work unit shall have a primary entrance from the street or common courtyard or atrium.
5. The working space within a live/work unit shall be considered accessory and shall not trigger occupancy separations within that unit.
6. Work space within a live/work unit may be used as an office, studio, gallery, or for artisanal production involving the use of hand tools and small-scale, light mechanical equipment.
7. Within the Warehouse Form District, retail sales of articles produced/manufactured on-site, are allowed [regardless of story.]

#### C. Group Care Facility and Family Care Facility

No group occupancy permitted with administrative approval (see 2.5) shall be approved by the Zoning Administrator unless they find all of the following standards are met:

1. The number of residents complies with requirements of this development code.
2. The parking requirements as set by this development code have been met.
3. The proposed use is not within 600 feet of another existing group occupancy that requires a use with administrative approval, or one which has obtained a use permitted with approval or special use in lieu of a use with administrative approval. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.

4. In order to ensure that the structure and rooms are used as originally designed and intended, the proposed use will not require or include structural alterations as that term is defined in the Building Code adopted by the City.
5. The structure meets the requirements of the City's housing, building and fire codes as set forth in the Code of the City of Peoria or the codes adopted by reference.
6. Users and occupants have received any and all required approvals from other governmental bodies which permits use of the premises in conformance with the approval for which they have applied.
7. For group occupancy there shall be a minimum of 120 square feet of bedroom space for every two residents for residential uses. In determining the number of people in any group occupancy, the Zoning Administrator shall assume that no more than two persons will occupy any bedroom.
8. For group occupancy, the property owner or agent shall inform occupants of the property in writing either in a written lease or by a sign prominently posted at the property that the occupants shall not park in other than the provided off-street parking from midnight to 6:00 a.m.
9. Any group occupancy required by law to obtain a license from the state or its subdivisions for family care facilities and group care has received a license permitting it to operate from the relevant governmental body and a permit or approval document for the specific address indicating the specific address is approved and identifying the number of residents included in that approval.
10. Group Care Facilities and Family Care Facilities that do not meet the above standards for administrative approval can be approved as special uses through the special use approval procedures (See 2.9).

**D. Apartment**

Apartments developed in residential districts shall not exceed the density of the applicable zoning district. Apartments developed in non-residential zoning districts shall not exceed the density of 15.02 dwelling units per acre.

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**10.3 - DEFINED TERMS**

For purposes of this development code, the following terms shall have the following definitions and meanings:

**Abandonment:** A cessation of operation or reduction in the effective radiated power of an antenna by 75 percent for six months or more.

**Accessory Building or Structure:** A subordinate building or structure located on the same lot with the principal structure or building, occupied by or devoted to an accessory use. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building. Accessory structures include, but are not limited to, swimming pools, tennis and basketball courts, other outdoor residential recreational facilities, and other open type structures like gazebos. For Wireless Telecommunication Facilities, this includes but is not limited to, utility or transmission equipment storage sheds or cabinets.

**Accessory Storage Building:** Permitted accessory storage buildings include open or closed type buildings, including private garages, and are designed and used for storage or parking of vehicles and storage of materials incidental to the use of the principal structure, or are designed and used for allowable uses incidental to the principal structure.

**Accessory Use:** An accessory use is a use that:

- Is subordinate in area, extent and purpose to, and serves a principal structure and use;
- Is customarily found as incidental to such principal structure or use;

- Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use;
- Is, except as otherwise expressly authorized by the provisions of this Code, located on the same zoning lot as such principal structure or use; and
- Is under the same ownership and control as the principal structure or use.

**Acre:** An acre is a measure of area equal to forty-three thousand five hundred sixty (43,560) square feet.

**Adjacent/Adjoining:** The condition of being near to or close to but not necessarily having a common dividing line. Two properties which are separated by only a street or alley shall be considered as adjacent or adjoining one another.

**Alley:** A public or private right-of-way designed to serve as a secondary means of access to the side or rear of those properties whose principal frontage is on a street.

**Alteration:** Any act or process which changes one or more of the "exterior architectural features" of a structure designated for preservation or neighborhood conservation.

**Ambient Noise Level:** The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

**Amortization:** The process by which, upon official notification by the Zoning Administrator of a nonconforming status, nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period of time.

**Amplitude:** The maximum displacement of the earth from the normal rest position. Displacement is usually reported as inches per mils.

**Antenna:** A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

**Antenna Array:** An antenna array is one (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals which may include omnidirectional antennas (rods), directional antennas (panels) and parabolic antennas (discs) up to one (1) meter. The antenna array does not include the support structure.

**Apiary:** A place where bee colonies are kept. The assembly of one or more colonies of bees at a single location.

**Apartment:** A building, or portion thereof, designed for occupancy by three or more families living independently of each other. These structures do not include triplexes, fourplexes, courtyard apartments, single-room occupancies, or other multi-unit configurations, where those are defined separately.