

**AN ORDINANCE AMENDING APPENDIX C OF THE CODE OF THE CITY OF PEORIA
RELATING TO MOBILE FOOD VEHICLES AND CARTS**

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

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

WHEREAS, the City of Peoria desires to permit the use of Mobile Food Vehicles and Carts as a Permitted Temporary Use in specific zoning districts;

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

Section 1: Appendix C of the Peoria City Code, being Ordinance No. 16,121 as adopted on June 12, 2007, and thereafter amended, is hereby amended by deleting the following stricken words and adding the following underlined words:

5.0 PERMITTED LAND USES

5.5 TEMPORARY USES

5.5.1 Applicability

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

5.5.2 Certificate of Zoning Compliance Required

A. Certificate Required

Except as provided in 5.5.3 below, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance for the compliance of such use with the provisions of this development code shall have first been issued in accordance with 2.2, Zoning Certificate; provided, however, that permitted temporary uses of publicly owned or leased buildings and property shall be exempt from this requirement.

B. Basis for Certificate Denial

A Certificate of Zoning Compliance may be denied if the Zoning Administrator determines that during the prior five years the applicant has failed to comply with the standards, conditions or terms of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of the City ordinance regulations for the development, use and maintenance of the property. A Certificate of Zoning Compliance shall be denied if the Zoning Administrator determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance of the Certificate.

C. Conditions on Certificate

A Certificate of Zoning Compliance may be conditioned upon such special requirements as the Zoning Administrator may determine are necessary to achieve the purposes of this development code and to protect the public health, safety, and welfare.

D. Revocation of Certificate

A Certificate of Zoning Compliance shall be revoked by the Zoning Administrator if any of the standards and conditions imposed pursuant to this section or certificate are violated.

5.5.3 Permitted Temporary Uses

Subject to the specific regulations and time limits that follow, all applicable local ordinances and codes, and to the other applicable regulations of the district in which the use is permitted, the

following temporary uses, and no others, are permitted in the zoning districts herein specified in the Permitted Temporary Use Table. Site Plan Review shall ensure that the proposed use will not have any adverse impact on the surrounding property, and the site for such proposed use is adequate in terms of size, lighting, parking, and traffic access:

(a) *Permitted Temporary Use Table.*

Permitted Temporary Use	Location	Maximum Duration Of Use	Maximum Frequency	Additional Requirements	Site Plan Required?	Zoning Certificate Required?
House, Apartment, Garage & Yard Sales	Residential Districts	3 days	No more than 3 times in any 12 month period	Items for sale are limited to the personal possessions of the owner or occupant of the lot	No	No
Indoor/ Outdoor Festivals, Sidewalk Sales, Art, Craft, Plant Shows/ Exhibits/ Sales	Business, Commercial, Office, or Industrial District	Special Sales - 3 days Plant Sales - 150 consecutive days per calendar year	Special Sales – No more than 12 times per year	See Section 3.2.e.(3)(b) below	No	No
Christmas Tree/ Pumpkin/ Easter Lily Sales	All Districts	45 days	NA	Sales are permitted in any residential area when conducted by a not-for-profit religious, philanthropic, or civic organization on property owned or leased by such organization.	No	No
Contractor's Offices & Equipment Sheds	All Districts when accessory to construction	Coincide with active construction	NA	Sleeping or cooking accommodations are prohibited	No	No
Real Estate Office, Including Model Units	All Districts when accessory to a new development	Coincide with active selling/ leasing period	NA	Sleeping or cooking accommodations are prohibited unless in a model dwelling unit. Office cannot be used as the general office or headquarters of any firm.	Yes	Yes
Carnivals & Circuses	All Districts	10 days	No limit	None	Yes	Yes
Sales of Overstocks, Seconds, Similar Goods in Districts where not a Permitted Use	I-1, I-2, & I-3 Districts when accessory to a permitted use	10 days	No more than 4 times per 12 month period with 7 days in between each sale	See Section 3.2.e.(3)(c) below	No	No
Tents	All Districts with a permitted, accessory, temporary, or special use	10 days	No more than 4 times per 12 month period with 7 days in between each tent sale	Tent must comply with the setback and height limitations of the zoning district in which it is placed. Tent cannot obstruct access to handicap parking spaces.	No	No
Civic Uses of Public Property	Business, Commercial or O-1 Office Districts	No limit	No limit	Authorization by the controlling governmental agency and the use must not impose an undue adverse effect on the neighboring streets or property	No	No
Wheelchair Ramp	Residential Districts	Length of residency plus 60 days by the individual with a disability requiring a wheelchair	NA	Minimum encroachment into required yards and safe ingress/egress from the property	Yes	Yes

Portable Storage Devices	Residential, Commercial, & Industrial districts	Residential - 14 days + 30 day extension Commercial - 30 days Industrial - 60 days	Residential - 3 times per calendar year. Commercial - no limit. Industrial - no limit.	See Section 3.2.e.(3)(d) below	No	No
Bus Benches and Shelters	Non Residential Districts	No limit	NA	See Section 3.2.e.(3)(e) below	Yes	Yes
Farmers' Markets	C-1, C-2, and I-1 Districts	Not to interfere with surrounding land uses	No limit	See Section 3.2.e.(3)(f) below	No	No
Demountable Temporary Structure	All Districts except N1 and P1	6 months	NA	Subject to Special Use approval per Section 2.9	Yes	Yes
Roadside Produce Stand	C-N Districts	<u>Coincide with growing season</u>	<u>NA</u>	<u>See 5.5.3.G Below</u>	<u>No</u>	<u>No</u>
Home-Produces Fruit and Vegetable Sales	<u>Residential Districts and Legal Non-Conforming Residential Dwellings in Non-Residential Districts</u>	<u>3 days</u>	<u>No more than 3 times in any 12 month period</u>	<u>Items for sale are limited to whole, uncut fruits and vegetables grown at the residence where the sale is occurring.</u>	<u>No</u>	<u>No</u>
Mobile Food Vehicles and Carts	<u>Non-Residential Districts</u>	<u>No Limit</u>	<u>No Limit</u>	<u>Must be parked/placed on a paved surface. Seating may be provided during hours of operation.</u>	<u>No</u>	<u>No</u>

ARTICLE 11.0 DEFINITIONS

Mobile Food Vehicle: A self-contained motorized vehicle or trailer from which cooked, wrapped, packaged, or processed foods are sold for immediate consumption and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. Mobile food vehicles do not include street and sidewalk vendors.

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 _____, 2015

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel