

# Unified Development Code

## **Text Amendments**

Entire code adopted October 12, 2016 Ordinance No. 17,403

## **HOW TO USE THIS CODE**

### **I WANT TO ESTABLISH A NEW USE IN AN EXISTING BUILDING:**

- Find your zoning district and any overlay districts on the Zoning District Map.
- Determine whether the use is allowed by looking at either 5.2 Permitted Use Table for the base districts, or the building envelope standards in Form Districts for a specific form district.
- If the use is listed in 5.2 Permitted Use Table with a cross-reference in the right-hand column, see 5.3 Use Standards.
- Uses may be further restricted in Chapter 7.0 Overlay Districts.

### **I WANT TO MODIFY A BUILDING OR DEVELOP A NEW BUILDING:**

#### **Base Districts**

- Determine whether the use is allowed by looking at 5.2 Permitted Use Table. If the use is listed in 5.2 Permitted Use Table with a cross-reference in the right-hand column, see 5.3 Use Standards.
- Go to Chapter 4.0 Base Districts for your specific zoning district to review the dimensional standards that apply to your property.

#### **Form Districts**

- Start with the regulating plan for your specific form district. The Regulating Plan will define the building envelope standards for your property (see Chapter 6.0 Form Districts for your specific district). Note specifically the required building line and parking setback line on the Regulating Plan.
- Go to the specific district in Chapter 6.0, Form Districts. Look at the appropriate building envelope standards. See also 6.8, Architectural Standards, 6.9 Street Specifications, 6.10 Streetscape Standards, and 6.11 Parking Requirements for additional standards that apply in the Form Districts.

#### **Overlay Districts**

- The standards for overlay districts can be found in Chapter 7.0 Overlay Districts.

#### **All Districts**

- All districts are also subject to Chapter 8.0 General Development Standards, which covers site elements such as parking, landscaping, signs, outdoor storage and outdoor lighting.

### **I HAVE A USE, BUILDING OR SITE THAT IS NONCONFORMING:**

- Existing uses, buildings and sites that met the rules when they were constructed, but do not comply with this development code are considered nonconforming. See Chapter 9.0 Nonconformities, for further details.

### **I WANT TO CHANGE MY ZONING DISTRICT:**

- Only the City Council may rezone property – following public notice and hearings. See 2.8 Amendments for details on the procedure.

### **I WANT TO SUBDIVIDE MY PROPERTY:**

- Property can only be subdivided in accordance with the procedures in 2.13 Subdivision.

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# **1.0 GENERAL PROVISIONS**

## **1.1 TITLE**

This ordinance shall be known as “the Unified Development Code,” and may be cited and referred to as “this development code.”

## **1.2 APPLICABILITY**

The regulations of this development code shall apply to all development, public or private, as designated on the Zoning District Map, unless otherwise expressly exempted or provided in this development code.

## **1.3 EFFECTIVE DATE**

This Unified Development Code became effective on October 24, 2016.

## **1.4 PURPOSE AND AUTHORITY**

This development code is adopted pursuant to the Home Rule Powers of the City of Peoria under the 1970 constitution of the State of Illinois. This development code is adopted for the purpose of:

- A. Promoting the public health, safety and general welfare;
- B. Preserving the overall quality of life for residents and visitors;
- C. Protecting the character of established residential neighborhoods;
- D. Maintaining economically vibrant as well as attractive business and commercial areas;
- E. Implementing the policies and goals contained within the City’s adopted plans;
- F. Maintaining orderly and compatible land use and development patterns;
- G. Ensuring adequate light, air, privacy, and access to property;
- H. Encouraging environmentally responsible development practices;
- I. Promoting rehabilitation and reuse of older buildings; and the preservation of historic structures.
- J. Maintaining a range of housing choices and options;
- K. Establishing clear and efficient development review and approval procedures;
- L. Coordination of streets within subdivisions with other existing or planned streets or with other features;
- M. Providing adequate open spaces, for traffic, schools, recreation and air;
- N. Providing for adequate storm water drainage and sewage disposal;
- O. Maintain efficient and economical maintenance of streets, and for the development of public grounds;
- P. Accommodating growth and development that complies with the preceding stated purposes; and
- Q. Provide for the maintenance and gradual elimination of nonconforming uses that adversely affect the character and value of permitted development.

## **1.5 INTENT**

- A The overriding intent of this development code is to implement the Heart of Peoria Plan and the associated vision areas developed for: the Prospect Road Business District; the Historic Sheridan Triangle Business District; the West Main Street Corridor; and the Warehouse District, and provide a unified approach to city-wide development and applicable land uses.
- B This development code in contrast with previous codes focuses on the creation of mixed-use, walkable neighborhoods. Implementation of this Unified Code is intended to:
  - 1. Change the character of the roadways—from high speed arterials and collectors to streets, avenues, and boulevards;
  - 2. Create street space—bring the buildings close to the street and plant canopy street trees;
  - 3. Narrow travel lanes to slow traffic and decrease pedestrian crossing distance;

4. Provide a pedestrian-friendly environment with wider sidewalks, treelined streets, active shopfronts, short blocks, and a variety of uses;
5. Prohibit blank walls along the sidewalk;
6. Create a “park-once” environment by requiring shared parking;
7. Accommodate on-street parking;
8. Increase connectivity through small block size and the creation of new streets and alleys;
9. Promote re-use, redevelopment and infill;
10. Encourage and assist in the preservation of existing buildings and housing stock;
11. Use the scale and massing of buildings to transition between the corridors and surrounding neighborhoods;
12. Promote infill development for vacant parcels that reflects the surrounding scale and character;
13. Encourage mixed-use neighborhood main streets;
14. Control the scale and fit of new development patterns;
15. Use the commercial corridors as a seam sewing neighborhoods together rather than a wall keeping them apart;
16. Designate areas that allow a mix of uses by right;
17. Provide opportunities for housing choice and variety—attached and detached, rental and ownership;
18. Create new outdoor civic spaces; and
19. Provide new outdoor public spaces, people places, squares, and civic greens.
20. Encourage reasonable flexibility of development design through appropriate innovation;
21. Create an attractive appearance for the City and instill aesthetics as a value and standard throughout the City;
22. Promote land uses and designs which preserve existing aesthetic benefits in the City; and
23. Protect and enhance the taxable value of land and buildings

## **1.6 ADOPTED PLANS**

The following plans have been adopted by the City Council and shall be considered in any decisions under this development code in the area affected by the plan.

- A. Heart of Peoria Plan, including associated vision areas developed for: the Prospect Road Business District; the Historic Sheridan Triangle Business District; the West Main Street Corridor; and the Warehouse District.
- B. Comprehensive Plan, as amended.

## **1.7 MINIMUM REQUIREMENTS**

The provisions of this development code are the minimum requirements deemed necessary to carry out the development codes stated purpose and intent.

## **1.8 CONFLICTING PROVISIONS**

### **1.8.1 Conflict with State or Federal Regulations**

If the provisions of this development code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

### **1.8.2 Conflict with Other City Regulations**

If the provisions of this development code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

### **1.8.3 Conflict with Private Agreements and Covenants**

This development code is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this development code impose a greater restriction than imposed by a private agreement, the provisions of this development code will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this development code, the provisions of the private agreement will control. The City does not enforce or maintain a record of private agreements.

### **1.8.4 Lawful Uses**

No building, structure, or use not lawfully existing at the time of the adoption of this ordinance, shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said buildings, structure, or use remains unlawful hereunder.

## **1.9 SEPARABILITY**

If any provision, clause, sentence, paragraph, section, or part of this development code, or application thereof to any person, firm, corporation, public agency or circumstances, is, for any reason, adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment will not affect, impair or invalidate the remainder of this development code and the application of such provision to other persons, firms, corporations, public agencies, or circumstances, but will be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy that was the subject of the judgment and to the person, firm, corporation, public agency, or circumstances involved. It is the legislative intent of the City Council that this development code would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part not been included.



## **2.0 ADMINISTRATION**

### **2.1 REVIEW BODIES**

#### **2.1.1 Summary of Review Authority**

The following table summarizes the required review and approval authority provided under this development code.

<b>Procedure</b>	<b><u>2.1.2</u> Zoning Administrator</b>	<b><u>2.1.3</u> Development Review Board</b>	<b><u>2.1.4</u> Planning &amp; Zoning Commission</b>	<b><u>2.1.5</u> Zoning Board of Appeals</b>	<b><u>2.1.6</u> City Council</b>	<b>Reference</b>
<u>Certificate of Occupancy/Completion</u>	<u>D</u>					<u>2.3</u>
<u>Administrative Deviation</u>	<u>D</u>	<u>R</u>				<u>2.4</u>
<u>Uses Permitted with Administrative Approval</u>	<u>D</u>					<u>2.5</u>
<u>Variations</u>	<u>R</u>	<u>R</u>		<u>&lt;D&gt;</u>		<u>2.6</u>
<u>Appeals</u>				<u>&lt;D&gt;</u>		<u>2.7</u>
<u>Amendments</u>	<u>R</u>	<u>R</u>	<u>&lt;R&gt;</u>		<u>&lt;D&gt;</u>	<u>2.8</u>
<u>Special Use</u>	<u>R</u>	<u>R</u>	<u>&lt;R&gt;</u>		<u>&lt;D&gt;</u>	<u>2.9</u>
<u>Official Development Plan</u>	<u>R</u>	<u>R</u>	<u>&lt;R&gt;</u>		<u>&lt;D&gt;</u>	<u>2.10</u>
<u>Critical Traffic Management Areas</u>	<u>R</u>	<u>R</u>			<u>&lt;D&gt;</u>	<u>2.11</u>
<u>Traffic Impact Analysis</u>	<u>R</u>	<u>R</u>			<u>R</u>	<u>2.12</u>
<u>Subdivisions</u>	<u>R</u>		<u>&lt;R&gt;</u>		<u>&lt;D&gt;</u>	<u>2.13</u>
<u>Survey Plat</u>	<u>D</u>					<u>2.13</u>
<u>Annexations</u>	<u>R</u>		<u>&lt;R&gt;</u>		<u>&lt;D&gt;</u>	<u>2.1.4</u>

KEY: R = Review or Recommendation D = Final Decision < > = Public Hearing

#### **2.1.2 Zoning Administrator**

The Director of Community Development, or their designee, shall be the Zoning Administrator. The Director of Community Development shall exercise the authority and perform the duties of Zoning Administrator as set forth below:

- A.** Issue all zoning compliance and exception certificates and maintain records of certificates issued;
- B.** Approve all certificates of occupancy;
- C.** Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this development code;
- D.** Issue violation notices requiring compliance and advising suspected violators of their right to appeal; and to issue citations for violations of this development code;

- E. Request of the Building Official that all construction or work of any type be stopped when such work is not in compliance with this ordinance; and revoke any permit which was unlawfully issued without full compliance of the requirements of this ordinance or under fraudulent conditions;
- F. Review and approve or deny all applications for permitted use status under all zoning districts;
- G. Review and approve or deny all applications for principal uses not specifically listed as set forth in Chapter 5.0, Permitted Land Uses.
- H. Have possession of permanent and current records of this development code, including, but not limited to, all maps, amendments, special uses, variations, appeals, official development plans, site plan reviews and applications thereof;
- I. Conduct pre-application conferences where required;
- J. Receive, certify for completeness, and forward to the Planning and Zoning Commission all applications for special uses and for text and map amendments to this development code that are initially filed with the office of the Zoning Administrator;
- K. Review, process and decide upon those minor variation applications for which the Zoning Administrator has authority under this development code by either approving or denying such applications;
- 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;
- M. Call for meetings of the Development Review Board, forward applications, site plans and related information to that Development Review Board in all cases which require site plan review and as required in specific zoning districts under the provisions of this development code;
- N. Review, process and decide upon subdivision plats without waivers and tract surveys by either approving or denying such applications;
- O. Enforce all orders of the Zoning Board of Appeals;
- P. Conduct an annual study of the provisions of this development code, and make a report of recommendations to the Planning and Zoning Commission and City Council during January of each year or more often as deemed necessary;
- Q. Assist in providing public information relative to this development code;
- R. Conduct daily administration of the development code;
- S. Provide staff support for each entity listed;
- T. Issue permits when appropriate for uses allowed with administrative approval; and
- U. To make application for and provide evidence in support of the elimination of any restrictive covenants which run to the benefit of the City but which are not consistent with the provisions or objectives of this development code, and any amendments to this development code, which may be adopted.

### **2.1.3 Development Review Board**

#### **A. Establishment**

1. The Development Review Board shall consist of representatives as designated by the Directors of Community Development, Public Works, Inspections, and Chiefs of Police and Fire.
2. The representatives may consist of persons with expertise in the following areas: planning, zoning administration, public works, traffic engineering, architecture, building inspections, public safety and landscape architecture. If the City has no person with expertise in one of these areas, the Zoning Administrator will recommend to the City Council a person with expertise in the non-represented area and request that person to be appointed to the Development Review Board. The City Council may also appoint a non-voting member to the Development Review Board to represent the art community in Peoria.

3. The Development Review Board may adopt its own rules and regulations. The Zoning Administrator shall serve as chairperson. All meetings of the Development Review Board shall be at the call of the chairperson or any two other members of the Board.

**B. Authority**

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 development code.
2. Approve and disapprove site plans submitted as part of any application for building permit for permitted uses:
  - a. As required in the R5, R6, R7, R8, CN, CG, C1, C2, O1, O2, B1, P1, I1, I2, I3 and N1 Base Districts;
  - b. As required in the Form Districts;
  - c. As required in the Overlay Districts; and
  - d. In Critical Traffic Management Areas.
  - e. The Development Review Board may, as a condition of approval, 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
  - a. Administrative Deviation
  - b. Variance;
  - c. Special use;
  - d. Official development plan;
  - e. Subdivision plat;
  - f. Planned Form Districts; or
  - g. Findings and recommendation made pursuant to this paragraph shall, when applicable, become a part of the above judgment decision criteria with respect to any relief or remedies being sought. In circumstances where the foregoing relief has been sought, final authority resides with the Zoning Board of Appeals or City Council.
4. Review and submit comments for expansions of parking area and façade changes, as defined in the Applicability Table.
5. Grant or deny applications for administrative deviations for any site in which it is required to approve or disapprove site plans in those cases where no timely objection has been filed.
6. Review, and submit comments to the Planning and Zoning Commission, on all proposed map amendments. The DRB may approve the proposed site development plan with or without conditions. The DRB may deny approval of the total site proposal or a portion thereof if they find that conditions, standards or purposes of this section; or other germane sections of the ordinance; the Development Review Board Manual; or the policies of the official comprehensive plan; or the general development policies and specific site design guidelines of the City of Peoria have not been complied with.
7. The Development Review Board may waive or otherwise grant relief in the form of administrative deviations from the standards for bulk and design controls. Administrative deviations allow a variation of up to twenty (20) percent of the listed standard for the following cases:
  - a. The application of a design or impact control would cause an undue adverse impact on adjoining or nearby property.
  - b. The application of a particular design standard or control would cause an unsafe condition.
  - c. The granting of any relief from a design standard or control would enable better overall design and functioning that would not otherwise be achievable under strict applications of all bulk and design standards.
  - d. In evaluating conformance to impact, bulk and design controls, the Development Review Board shall give consideration to the extent to which the proposed use conforms to the principles, guidelines and standards established by the City Council for use by the Development Review Board.

**C. Site Plan Review Criteria**

Standards to be used by the Development Review Board shall include but not be limited to the following:

1. The provisions of this development code.
2. The provisions of any adopted plan (see 1.6).
3. Supplementary engineering and planning studies or guidelines which have been adopted by the Development Review Board.
4. Customary engineering and site development standards used in Peoria.
5. Any standards or criteria in a City adopted project or redevelopment plan.

**D. Effect of Decision**

1. The effect of the Development Review Board's disapproval is that no building permit, shall be issued. The member of the Development Review Board who denies the Site Plan is responsible for responding to the applicant regarding that denial. Appeals of decisions by the Development Review Board may be made to the Zoning Board of Appeals as set forth below.
2. The Development Review Board shall keep a public record of its resolutions, findings, and determinations, and notify, in writing within five working days, petitioners for plan review of the decision of the Board.

**E. Appeal of Decision**

**1. Time**

Any final decision of the Development Review Board may be reviewed by the Zoning Board of Appeals providing that timely notice of appeal is filed by an interested party within ten days after the Development Review Board's decision, or in the case of minor variations, within ten days after interested persons receive actual or constructive notice of a decision by the Development Review Board's granting or denying a variation.

**2. Interested Persons**

Appeals and objections may be taken or filed by any person occupying or holding an interest in the property which is the subject of the Development Review Board's decision, or the owners or occupants of property located within two hundred 250 feet of the subject property.

**3. Presumptions and Evidence**

The decision and findings of fact made by the Development Review Board shall be presumed correct by the Zoning Board of Appeals. Interested persons, including but not limited to the City staff, the owner of the affected property, and other interested parties may present evidence under oath to support or rebut the decision and factual findings made by the Development Review Board. The record of any matter decided by the Development Review Board shall become part of the record. Decisions by the Zoning Board of Appeals shall be final administrative decisions.

**2.1.4 Planning and Zoning Commission**

**A. Establishment and Rules of Procedure**

1. The Planning and Zoning Commission is established pursuant to Chapter 23, Article III of the Peoria City Code.
2. The Planning and Zoning Commission shall adopt its own procedures.

**B. Authority**

1. Receive and make findings and recommendations to the City Council on Neighborhood Conservation Plans proposed as amendments to the Comprehensive Plan for the designation of a Neighborhood Conservation Overlay District;
2. Review all applications for subdivision plats with waivers, hold public hearings thereon and report findings and recommendations to City Council; and
3. Hold public hearings, review, and make recommendations to the City Council concerning the Comprehensive Plan of the City and proposed annexations to the City;

4. Review all applications for text and map amendments, hold public hearings thereon, and report findings and recommendations to the City Council in the manner prescribed in this development code;
5. Review all applications for special use and official development plans, hold public hearings thereon and report findings and recommendations to 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 Development Review Board with respect to special exceptions under regulations governing Neighborhood Conservation Overlay 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.

### **2.1.5 Zoning Board of Appeals**

#### **A. Establishment and Rules of Procedure**

1. The Zoning Board of Appeals shall be comprised of seven members. A quorum of four members is necessary, in order to conduct business. Any decision of the Zoning Board of Appeals shall be based on an affirmative vote of those members voting.
2. The Zoning Board of Appeals may adopt its own procedures; however, in order to vote, a member of the Zoning Board of Appeals must be in attendance of the proceedings subject to the vote.
3. All appointments to the Zoning Board of Appeals shall be made by the Mayor, subject to the approval of the City Council. The Chair shall be appointed by the Mayor, subject to the approval of the City Council. Members of the Board shall serve terms as set forth in 2-162 of the Peoria City Code.

#### **B. Authority**

1. To hear objections to or appeals of final determination or decisions made by the Zoning Administrator or Development Review Board.
2. To approve or disapprove major variations for which objections have been filed from the terms of this development code in the manner set forth in the provisions of this development code pertaining to variances.

### **2.1.6 City Council**

#### **A. Establishment**

The City Council, 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 development code.

#### **B. Authority**

Receive recommendations from the Planning and Zoning Commission, and take action upon all proposed amendments, special uses, and Official Development Plans.

1. Receive recommendations from the Planning & Zoning Commission, and take action upon proposed subdivision plats with waivers.
2. Review and where appropriate, act upon the annual report from the Planning and Zoning Commission and Zoning Administrator concerning the status of this development code with regard to effectiveness of the development code, administrative procedures and relationships to the adopted plans (see 1.6).
3. Receive and act upon other matters required by this development code and forwarded by the Zoning Administrator, other City Officials or citizens.

4. 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.

## **2.2 ZONING REVIEW**

### **2.2.1. When Zoning Review is Required**

Zoning review shall accompany all applications for a building permit or Development Review Board review. In instances where no building permit is required, properties must comply with zoning requirements, which will be reviewed on a complaint basis through the enforcement process.

### **2.2.2. Transfer of Property Certificate**

- A. No instrument which immediately conveys or provides for the future conveyance of the fee interest in any property within the City of Peoria including an Agreement for Warranty Deed shall be recorded and no beneficial interest in a land trust which holds title to property within the city shall be transferred (except for a transfer of an interest, solely to secure performance of an obligation) until a Certificate has been issued for the property which is to be conveyed, or in the case of an interest in a land trust, until a Certificate has been issued for any property held by the trust which is located within the City of Peoria. The following transfers are exempt from the requirements of this paragraph provided that a Certificate for Exemption in the form provided by the Zoning Administrator is signed by the owner; beneficial interest holder, if a land trust; or an attorney at law or in fact:
  1. Deeds to or trust documents relating to property acquired by any governmental body or from any governmental body or deeds to property between governmental bodies, or by or from any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes.
  2. Deeds or trust documents which secure debt or other obligation.
  3. Deeds or trust documents which, without additional consideration, confirm, correct, modify, or supplement a deed or trust document previously recorded.
  4. Deeds or trust documents where the actual consideration is less than \$100.
  5. Tax deeds.
  6. Deeds or trust documents of release of property which is security for a debt or other obligation.
  7. Deeds of partition.
  8. Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of corporations pursuant to plans of reorganization.
  9. Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.
  10. Deeds for a single family dwelling, including residential condominium units.
  11. Deeds representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States.
  12. Deeds issued to a holder of a mortgage, as defined in [Section 15-103](#) of the Code of Civil Procedure, pursuant to a mortgage foreclosure proceeding or pursuant to a transfer in lieu of foreclosure.
  13. Undeveloped parcels of land.
  14. Deeds delivered, without regard to whether the Agreement for Warranty Deed was recorded, pursuant to an Agreement for Warranty Deed entered into prior to June 1, 1990.
  15. Deeds delivered, without regard to whether the Agreement for Warranty Deed was recorded, pursuant to an Agreement for Warranty Deed on or after June 1, 1990, for which a zoning certificate has previously been issued by the Zoning Administrator.
  16. Non-residential uses in the B-1; O-1; O-2; C-1; C-2; I-1; I-2; I-3; N-1 and P-1 districts.
- B. Transfer of Property Certificates shall be issued pursuant to rules adopted by the Zoning Administrator, and shall state whether the property which is the subject of the certificate is in compliance with the provisions of this ordinance. Notwithstanding the foregoing, the Zoning Administrator may adopt rules permitting a certificate to be issued based on information supplied by the applicant for certain classes of property or by inspection by the City or its agents. Any

Certificate which is issued as a result of information supplied by the applicant and not on the basis of a property inspection by the City shall state that it has been issued in reliance upon information supplied by the applicant, and that it is not valid if it has been issued in reliance on information provided by the applicant which is not true and correct. In any case where a Certificate has not been acted upon within one year of the date of its issuance, or any City license or permit resulting from its issuance, then, without further action by the Zoning Administrator, said Certificate shall be null and void.

## **2.3 CERTIFICATES OF OCCUPANCY/COMPLETION**

### **2.3.1 Purpose**

In reference to this development code, the purpose of a Certificate of Occupancy/Completion is to provide notice to the occupants of land whether completed improvements to real estate or new land conform to this development code. Certificates of Occupancy/Completion are issued by the Building Official and must have the approval of the Zoning Administrator.

### **2.3.2 Required Prior to Occupancy and at time of Completion**

No buildings, or addition, constructed after the effective date of this development code, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this development code shall be used for any purpose, including but not limited to vehicle parking, nor shall a new use, not previously covered by such a certificate, be instituted in an existing building or structure, until a Certificate of Occupancy has been approved by the Zoning Administrator.

### **2.3.3 Application for Certificate of Occupancy/Completion**

Every application for a Building Permit shall be deemed to be an application for a Certificate of Occupancy/Completion. Every application for a Certificate of Occupancy/Completion for a new use of land, where no Building Permit is required, shall be made directly to the Zoning Administrator.

### **2.3.4 Standards for Certificate of Occupancy/Completion**

No Certificate of Occupancy/Completion for a building, or portion thereof, constructed after the effective date of this development code, shall be approved by the Zoning Administrator until construction has been completed and certified by the Zoning Administrator to be in conformity with the documentations upon which the Building permit was based. No Certificate of Occupancy/Completion for a building, or addition, constructed after the effective date of this development code, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Building Official to be in compliance with all applicable City ordinances and regulations covering zoning, building and subdivision matters.

## **2.4 ADMINISTRATIVE DEVIATIONS**

### **2.4.1 Authority**

The Development Review Board is authorized to approve administrative deviations to certain requirements. This optional process shall occur only where the applicant requests an administrative deviation to a district standard as specified below.

### **2.4.2 Applications**

The applicant shall provide to the Zoning Administrator all of the information required for making a decision, including a site plan or plot plan, elevations, photographs, and other materials as necessary. The Zoning Administrator shall then forward the application to the Development Review Board for review and approval.

### **2.4.3 Administrative Deviation Review**

The Development Review Board shall review the application in light of the specific intent and purpose of this development code. The Development Review Board shall have the authority to approve an administrative deviation for the following standards:

#### **A. General Standards**

Deviations from height, yard, bulk, lot area, and fence height provisions of this ordinance that are less than twenty percent (20%) of the required standard. For this type of deviation, the Zoning Administrator shall mail notices, per department procedures, of the subject property and all property which adjoins or would adjoin the subject property except for the presence of a street or alley adjacent to the subject property for which a preliminary approval of a deviation has been granted by the Development Review Board. The notice shall state that the preliminary approval granted shall become final if no interested party files a written objection to the requested variance within ten (10) days of the date of the notice. All written objections must state the basis for the objection to the requested administrative deviation.

In the event the owner or occupant of any property located within 250' of the subject property files a written objection to the proposed deviation with the Zoning Administrator within the allowed time, the deviation request shall not receive final approval.

Applicants for deviations that have not received final approval or that have been denied shall be heard by the Zoning Board of Appeals as a variance.

#### **B. Specific Standards for Form Districts, CN & CG**

##### **1. Building Envelope Standards**

###### **a. Height**

- 1) Minimum and maximum story heights - up to 10% for any one story, limit of 5% for any cumulative increase or decrease in building height. Street wall/fence requirements – up to 10%.
- 2) Finished floor elevation – up to 5%.

###### **b. Siting**

- 1) Required building line– increase of up to 6 inches (from specified 18 inches to 24 inches)
- 2) Required building line (minimum percentage build-to) – reduction of up to 5% of required length.
- 3) Mezzanine floor area – up to 10% additional area.
- 4) Street wall requirements – up to 10%.
- 5) Entrances (maximum average spacing) – up to 5% increase in spacing.

###### **c. Elements**

- 1) Windows and Doors (minimum and maximum percent) – up to 5%
- 2) Elements (minimum and maximum projections) – up to 5%

##### **2. Architectural Standards**

**a.** Primary and accent materials – up to 10%.

**b.** Shopfront entry geometry – up to 10%.

**c.** Materials – acceptable equivalent or better material.

**d.** Wall Signs – façade placement for one story structures constructed prior to the establishment of Unified Development Code in any form district. The wall sign must align with or be framed by the building's major architectural elements such as doors, windows, moldings, pilasters, arches, roof eaves, and/or cornice lines. The deviation will not be allowed if the property meets the Applicability Standards per Section 2.16 of Commercial, Office, Industrial Expansion of Building Area 51% or greater or Commercial, Office, Industrial Façade Changes.



- e. Awnings and Overhangs – minimum height location for one story structures constructed prior to the establishment of Unified Development Code in any form district. The awning/overhang must align with or be framed by the building’s major architectural elements such as doors, windows, moldings, pilasters, arches, roof eaves, and/or cornice lines. The deviation will not be allowed if the property meets the Applicability Standards per Section 2.16 of Commercial, Office, Industrial Expansion of Building Area 51% or greater or Commercial, Office, Industrial Façade Changes.

#### **2.4.4 Criteria for Administrative Deviations**

To approve an administrative deviation, the Development Review Board shall make an affirmative finding that all of the following criteria are met:

- A. That granting the administrative deviation will not have an adverse impact on land use compatibility;
- B. That granting the administrative deviation will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed;
- C. In the Form Districts, that granting the administrative deviation will not have an adverse impact on the urban form and/or the street-space;
- D. That granting the administrative deviation is consistent with the purpose and intent of this development code (see 1.4 and 1.5); and
- E. That granting the administrative deviation is consistent with the purposes and intent of the adopted plans (see 1.6).

#### **2.4.5 Right to Impose Conditions**

The person or entity granting any variance may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this section and the objectives of this development code.

#### **2.4.6 Action for Unlisted Standards**

Any request for deviation from the provisions of this development code not listed above shall be reviewed by the Zoning Board of Appeals in accordance with 2.6, Variations. All variations in a Form District shall be considered special uses.

### **2.5 USES PERMITTED WITH ADMINISTRATIVE APPROVAL**

#### **2.5.1 Purpose**

This procedure has been developed to permit certain uses, in certain districts, to be approved by the Development Review Board/Zoning Administrator when such uses meet established standards as set forth below. The Development Review Board/Zoning Administrator shall not vary any of the applicable conditions. Uses permitted with administrative approval include:

- A. Neighborhood Stores (see 5.3.3.E)
- B. Child care homes
- C. Family care facilities
- D. Group care facilities
- E. Parks – passive recreation (see 5.3.2.E)

#### **2.5.2 Procedures and Appeals**

- A. Upon receiving an application for a use with administrative approval, the Development Review Board/Zoning Administrator shall process the application to determine its conformity with the applicable standards. If the land and its structures meet the standards, the permit shall be

granted. If the land and its structures do not meet the standards, the permit shall be denied. The standards may not be varied in considering the application.

- B.** Appeals from any decision of the Development Review Board/Zoning Administrator concerning the granting or revocation of use with administrative approval shall be to the Zoning Board of Appeals pursuant to 2.7; provided, however, that the Zoning Board of Appeals shall not have the authority to grant a variance of any of these standards or requirements necessary to obtain the use with administrative approval.
- C.** Applications of uses permitted with administrative approval that do not meet the established standards may be submitted by the applicant for approval, pursuant to the special use process (see 2.9).

### **2.5.3 Initiation and Application**

Any person owning or having an interest in the subject property may file an application to use such land for a use permitted with administrative approval provided for in this ordinance in the zoning district in which the land is situated. Such application shall be submitted to the Development Review Board/Zoning Administrator together with the application fee and such proof that the land and the structure comply with the requirements set forth for the permit, as the Development Review Board/Zoning Administrator may require, including a site plan of the subject property.

### **2.5.4 Group Occupancy Uses Established Prior to March 6, 1984**

Group Occupancy uses established prior to March 6, 1984, which presently are required by this ordinance to obtain administrative approval may continue such use if application to the Zoning Administrator was made prior to September 1, 1984 with proof that the use existed prior to said date and proof that the minimum off-street parking spaces as required prior to March 6, 1984 have been provided. The nonconforming use provisions as set forth in Chapter 9.0 Nonconformities, shall not apply. Any property for which an application has not been received by September 1, 1984 shall be required to meet the standards specified in 2.5.8.

### **2.5.5 Term of Approval**

- A.** In any case where a use permitted with administrative approval has not been established within six months after the granting of the permit, then without further action by the City, the use permitted with administrative approval shall be null and void.
- B.** If a use permitted with administrative approval, including an existing use, has been discontinued for a period of one year or more, it shall not be re-established without obtaining new approval as provided for in 2.5.8.

### **2.5.6 Revocation**

The Development Review Board/Zoning Administrator may revoke a use granted with administrative approval upon giving the owner and any interested persons who applied for the use at least ten days written notice of the grounds for revocation. The grounds for which a use permitted with approval may be revoked are:

- A.** The owner or interested person applying for the use has knowingly furnished false or misleading information or withheld relevant information on any application for any use or knowingly suffered or caused another to furnish or withhold such information on their behalf;
- B.** The owner, agent, employee, officer, tenant, licensee or occupant has violated any of the provisions of this section, or that the property no longer complies with the standards necessary to obtain a use with administrative approval; provided, however, that the Zoning Administrator shall give at least ten days prior written notice to the owner of the alleged violation of the manner in which the property no longer complies with the standards, with the opportunity to correct the problem during said time provided further, however, that violations of Chapter 9.0, Nonconformities, shall not be cause for revocation;

- C. The property owner shall be responsible for the acts of their agents, employees, officers, tenants, licensees, and occupants.
- D. The property has become a nuisance as that term is defined below.

**2.5.7 Nuisance**

A property shall be considered a nuisance when any of the following shall occur:

- A. The owner, agents, employees, officers, tenants, licensees or occupants have been convicted of three or more violations of this development code for occurrences in any twelve-month period arising out of the use of said property or occurring on said property.
- B. The owner has received three or more notices for the property from the Zoning Administrator during any twelve-month period which have not resulted in revocation of the use granted with administrative approval due to the fact that the owner has corrected the alleged violation.

**2.5.8 Group Occupancy**

**A. Purpose**

- 1. In order to accomplish the purpose and intent of this development code, the City has adopted regulations limiting the density, bulk, and number of dwelling units in each of the residential districts. This development code also limits the occupancy of each dwelling unit to a single family.
- 2. In order to accomplish these objectives without prohibiting those group occupancies which are compatible with the neighborhoods in which they are located, and without unlawful restrictions against protected populations, the City adopts the following provisions set forth below.

**B. Group Occupancies Permitted with Administrative Approval**

- 1. Family Care Facility and Group Care Facility. A non-medical facility for the housing of no more than eight unrelated persons (inclusive of residential staff), who due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require assistance and/or supervision, and who reside together in a family-type environment as a single, housekeeping unit. Excluded from the definition of family care facility are homes established for or occupied by residents who are permitted to live in halfway houses including residences in which residents are criminal offenders in work release sentence or on parole or probation, or persons who use or are addicted to a controlled substance.
- 2. A group care facility is the same as a family care facility but may provide housing for no more than 15 persons.

**C. Standards for Group Care Facilities and Family Care Facilities**

No use permitted with administrative approval shall be approved by the Zoning Administrator unless the standards as set forth 5.3.1.C are met.

**D. Revocation of Administrative Approval for Group Occupancy**

Administrative approval of a group occupancy shall be revoked in the event the Zoning Administrator determines it has not been operated in conformance with the standards as set forth 5.3.1.C or other requirements of this development code. The Zoning Administrator shall conduct a hearing prior to revoking any such approval. An appeal of any such revocation shall be heard by the Zoning Board of Appeals.

**2.5.9 Child Care Homes**

A child care home, which by definition provides care for eight or less children, including any children who may reside in the home, shall be a permitted use with administrative approval in all residential districts when they meet the conditions set forth in 5.3.2.A. Such child care homes shall be accessory uses to the dwelling structure. Only family members of the dwelling resident may be employed. Such family

members must also reside in the dwelling unit in which the child care home operates. Child care homes shall conform to all applicable state and local statutes, ordinances and regulations.

## **2.6 VARIATIONS**

### **2.6.1 Purpose**

The purpose of providing for variations is to enable the City to grant relief from the strict interpretation of the standards of this development code where they impose a particular hardship or difficulty because of unique or peculiar circumstances for land or use. Variations shall only be granted which are, in the judgment of the Zoning Administrator, Development Review Board, Zoning Board of Appeals or City Council, as applicable, in harmony with the general purposes and intent of this development code and which meet the requirements as set forth below.

#### **A. Variations**

1. All variations authorized by this development code which are not administrative deviations shall be considered variations.

### **2.6.2 Authority**

Authority to grant or deny variations is to be exercised by the Zoning Board of Appeals.

### **2.6.3 Procedure**

#### **A. Filing of Application**

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 a variance with the consent of the property owner.

#### **B. Decision by Zoning Administrator**

An application for a variation shall be filed with the Zoning Administrator, who shall process the application, analyze the request and make a determination as to whether the request is an allowable variation.

#### **C. Procedure for Variations**

Upon receipt of an application for variation, the Zoning Administrator shall cause the proposal to be reviewed by the appropriate members of City staff, and recommendations and proposed findings of fact to be forwarded to the Zoning Board of Appeals. In the event the proposed variation is for property subject to site plan review, the recommendations and findings of fact shall be made by the Development Review Board. However, if the proposed variation is for property which is not subject to site plan review, the recommendations and proposed findings of fact shall be made by the Zoning Administrator.

#### **D. Notice Requirements for Public Hearing for Variation**

Not less than 15 days nor more than thirty 30 days prior to a public hearing for Variation, 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;
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 line 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 development code.

#### **E. Standards for Variations**

No variations from this development code shall be granted unless the entity or person granting such variation shall find based upon the evidence presented to them in each specific case that the following three criteria have been met:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; and
2. The plight of the owner is due to unique circumstances; and
3. The variation, if granted, will not alter the essential character of the locality or be injurious to the public or other property or properties.

For the purpose of implementing the above three criteria for variations in making the recommendations whether there are practical difficulties or particular hardships, the following facts, favorable to the applicant and established by evidence, shall be taken into consideration:

1. The purpose of the variation is not based primarily upon a desire to increase financial gain. This fact can be considered for criterion 1.
2. The particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out. This fact can be considered for criterion 2.
3. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification. This fact can be considered for criterion 2.
4. The practical difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property. This fact can be considered for criterion 2.
5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. This fact can be considered for criterion 3.
6. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. This fact can be considered for criterion 3.

**F. Right to Impose Conditions**

The entity granting any variance may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this section and the objectives of this development code.

**G. Allowable Variations**

Except as otherwise provided, variations that meet the standards established in paragraph E above, may be granted from the standards set forth in this development code including but not limited to time requirements, bulk requirements and yard requirements. However, in no instance shall a variance for a use change be granted. A use change shall be obtained with a map amendment (see 2.8) or pursuant to Chapter 9.0, Nonconformities.

**H. Revocation**

Where a variation has been granted pursuant to the provisions of this development code, such approval shall become null and void unless work is complete within 24 months of the date of issuance, unless a more restrictive time period is made a condition of the granting the Variance.

**I. Effect of Denial of a Proposed Variance**

No application for a variance which has been denied by the Zoning Board of Appeals shall be submitted for a period of one 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.

## **2.7 APPEALS**

### **2.7.1 Review of Final Decision**

An appeal may be taken to the Zoning Board of Appeals from any order, requirement, decision or determination made by the Zoning Administrator or the Development Review Board (DRB), by any person aggrieved by action taken under the regulations of this development code. The Zoning Board of

Appeals shall hear the appeal and decide to affirm, reverse or modify and place conditions upon any order of the Zoning Administrator or Development Review Board.

### **2.7.2 Initiation**

An appeal may be taken to the Zoning Board of Appeals, within 30 days of an administrative ruling, by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision or determination under this development code by the Zoning Administrator or Development Review Board.

### **2.7.3 Processing**

- A. An appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois.
- B. The fees for all appeals shall be as set forth in 2.14.

### **2.7.4 Public Hearing and Notice**

Notice of all Zoning Board of Appeals hearings shall be made in the same manner as notice of applications for major variations. A public hearing on all appeals shall be conducted by the Zoning Board of Appeals. The Zoning Administrator or Development Review Board may appear as a party at such hearings.

### **2.7.5 Zoning Board of Appeals Decisions**

Following a hearing by the Zoning Board of Appeals on any appeal from a Development Review Board decision, an administrative order, requirement, decision or determination relating to this development code, the Zoning Board of Appeals shall make findings and affirm, reverse or modify the Development Review Board or administrative decision. A decision by the Zoning Board of Appeals shall be final administrative determination. The Zoning Board of Appeals shall not, by its decision on appeal, permit a variation in the application of the regulations of this chapter. In order to reverse or modify an action, any one or combination of following findings must be satisfied:

- A. That the provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.
- B. That the Zoning Administrator or DRB misinterpreted the provisions of this chapter.

The Zoning Board of Appeals shall decide an appeal within 30 days after close of the hearing thereon unless this time period is extended by mutual consent of the Zoning Board of Appeals and the applicant.

## **2.8 AMENDMENTS**

### **2.8.1 Authority and Declaration of Public Policy**

For the purpose of promoting the public health, safety, and general welfare, the City Council may amend the regulations imposed in the districts created by this development code as set forth below. 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:

- A. Existing conditions;
- B. The policies, standards, and principles of the adopted plans (see 1.6);
- C. The conservation of property values;
- D. The trend of development in the area for which amendment is proposed; and
- E. The uses to which property is devoted at the time of the adoption of such amendatory ordinance.

## **2.8.2 Initiation of Amendments**

- A.** 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.
- B.** District boundary amendments may also be proposed by the City of Peoria.
- C.** Amendments to the text of this development code may be proposed by the Planning and Zoning Commission, Zoning Administrator, or by any person.

## **2.8.3 Application for Amendment Procedure**

An application for an amendment to this development code 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 Development Review Board prior to public hearing by the Planning and Zoning Commission.

## **2.8.4 Planning and Zoning Commission Hearing**

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.

## **2.8.5 Notice Requirements for Public Hearing**

Not less than 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:

- A.** Publication at least once in a newspaper of general circulation;
- B.** Mailing of notices of the hearing by the City of Peoria to assessees, per department procedures, of the subject property and all property within 250 feet of the property of the subject property;  
and
- C.** 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 development code.

## **2.8.6 Findings of Fact and Recommendation of the Planning and Zoning Commission**

- A.** 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. Investigation of other suitable ways of accomplishing the proposed purpose of the amendatory petition;
  - 7. The health, safety and general welfare in the general and immediate area of the property subject to the amendment in particular;
  - 8. The enjoyment of property by neighbors for its intended use;
  - 9. That granting the amendment is consistent with the purpose and intent of this development code (see 1.4 and 1.5); and
  - 10. That granting the amendment is consistent with the purpose and intent of the adopted plans (see 1.6).
- B.** 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 development code, the RE District shall be considered the highest classification and the I3 district shall be considered the lowest classification.

**2.8.7 Action by the City Council**

- A.** The City Council shall not act upon a proposed amendment to this development code until it shall have received written report and recommendations from the Development 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 2.8.6. 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.
- B.** The City Council shall take action on all proposed amendments to this development code forwarded to it by the Planning and Zoning Commission.

**2.8.8 Limitation on Jurisdiction**

- A.** In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across the alley therefrom, or by owners of 20% of the frontage directly opposite the frontage proposed to be altered, as to such regulations or district, filed with the City Clerk, such amendment shall not be passed except by the affirmative vote of two-thirds of Council members actually voting, but in no case shall an amendment be passed by less than the affirmative vote of six City Council members. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment upon the applicant's attorney, if any, by certified mail or by personal service at the address of such applicant or attorney shown in the application for the proposed amendment.
- B.** Any such written protest, in order to be valid, must be filed with the City Clerk by 11:00 a.m. on the day before the City Council hears the application for the proposed amendment; said written protest shall include a certification that it was in fact served upon the applicant or the applicant's attorney as set forth above.

**2.8.9 Effect of Denial of a Proposed Amendment**

No application for an amendment which has been denied by the City Council shall be submitted for a period of one 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.



## **2.8.10 Planned Form District**

### **A. Purpose**

The following additional requirements allow for the creation of a new form district or new building envelope standards within an existing form district. A new form district or new building envelope standards shall be granted only in accordance with the procedures as set forth below.

### **B. Applicability**

1. The minimum gross area required for a new form district is ten contiguous acres. Land may be under common or multiple ownership. The City Council may reduce this minimum acreage requirement where a project clearly meets the purpose of this district.
2. No new form district or new set of building envelope standards shall be approved that would permit the erection or development of structures that could be authorized under the requirements that apply to variations (see 2.6) or administrative deviations (see 2.4).

### **C. Pre-Application Conference**

1. Prior to filing a formal application for approval, the applicant shall schedule a pre-application meeting with the Zoning Administrator.
2. The purpose of the pre-application conference is to allow the Zoning Administrator to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures that may affect the proposed development. The pre-application conference allows the applicant to present a general concept of their proposed development prior to the preparation of a detailed plans and associated development standards. The applicant shall present material including the following:
  - a. A written "Letter of Intent" from the applicant establishing their intentions as of the new form district or new building envelope standards.
  - b. A location map.
  - c. Sketch plans and ideas regarding the proposed uses, building forms, intensities, and street classifications.
  - d. Other material the applicant may wish to present or the Zoning Administrator may reasonably request.

### **D. Application Requirements**

1. All applications shall be submitted and reviewed in accordance with 2.8.1 through 2.8.9. The Zoning Administrator may request additional information as needed in order to ensure the submittal contains sufficient material for adequate review. At a minimum, the submittal shall require the following material:
  - a. An illustrated master plan, a regulating plan and associated district standards comprised of building envelope standards, streetscape standards, and architectural standards; or
  - b. A replacement master plan, replacement regulating plan, and new building envelope standards. Where new building envelope standards are proposed, they shall be based on the existing building envelope standards in the Form Districts of this development code.
  - c. Where the proposal is to expand an existing Form District, and information is already on file with the City that provides an accurate extension of the regulating plan and building envelope standards, no additional application materials shall be required from the applicant.
  - d. All required improvements, construction standards, design standards and all other engineering standards contained within the Section 2.13 must be complied with, except where specifically modified through the approval process.

## **2.9 SPECIAL USES**

### **2.9.1 Purpose**

It is recognized that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district. Such uses require consideration of their impact upon neighboring land and of the public need for the particular use in a given location. Special uses fall into two categories:

- A. Uses publicly operated or traditionally associated with a public interest; and
- B. Uses entirely private in character, but having unusual characteristics so that their operations may give rise to unique circumstances with respect to their impact upon neighboring property or public facilities.

## **2.9.2 Applicability**

Special use review is required as set forth in the Permitted Use Table (see 5.2).

## **2.9.3 Initiation of a Special Use**

- A. 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 an exclusive possessory interest, and which is specifically enforceable, may file an application with the consent of the property owner, to use such land for one or more of the special uses provided for in this development code.
- B. Where an amendment is being sought to a previously issued special use 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 special use) to be listed in the application for special use and provided notice in accordance with the requirements of 2.9.7.
- C. Notwithstanding the foregoing, the applicant shall mail the other property owners notice of the proposed amendment of the special use not less than 15 days nor more than 45 days prior to the public hearing. The application shall submit certification of the mailing of the notice of the proposed amendment of the special use prior to the public hearing.
- D. A special use may also be initiated by the City of Peoria.

## **2.9.4 Application for Special Use**

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

- 14. 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.
- 15. Elevations.
- B. After the Zoning Administrator certifies the application to be completed, it shall be forwarded from the Zoning Administrator to the Development Review Board for technical review and the Planning and Zoning Commission for public hearing and recommendation to the City Council.

**2.9.5 Special Uses in the CG and C2 District**

Use of land classified as a special use within the CG and C2 Districts shall provide the City of Peoria with a development impact statement. The development impact statement is designed to provide the decision-making process with adequate information relating to the impacts a large scale commercial use will have on economic, environmental, aesthetic, cultural, residential, and public services within the community. Criteria to be addressed in a development impact statement shall include the following:

**A. Economic Statement**

- 1. Projected property tax generation;
- 2. Projected sales tax generation adjusted for economic shift;
- 3. Projected benefits due to expanded customer/consumer service/product mix to be provided to the community; and
- 4. Impacts on surrounding property values.

**B. Environmental Statement**

- 1. Existing storm and sanitary sewers and their capacity;
- 2. Soils--type and classification for agricultural uses and structural stability;
- 3. Slope, proposed cut and fill;
- 4. Flood plain locations and impact of proposed development;
- 5. Protected water table recharge areas and development impacts;
- 6. Impacts on surrounding land use, [and] quality of life factors relating to physical, cultural, and aesthetic impacts the proposed development may have on surrounding existing land uses; and
- 7. Construction phases impacts, traffic on residential streets, erosion, inconvenience.

**C. Public Services Statement**

- 1. Transportation systems network impact;
- 2. Police/fire protection impact; and
- 3. General services impacts.
- 4. This statement may be replaced by a statement of no impact for the redevelopment expansion or reconstruction of existing development. The statement of no impact shall include rationale for each of the above criteria. The statement must outline the center's use of existing services and how the redevelopment, reconstruction, or expansion of the center will not impact those existing services.
- 5. Any application which does not include all of the indicated materials shall be rejected and returned to the developer.

**2.9.6 Planning and Zoning Commission Public Hearing**

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.

**2.9.7 Notice Requirement for Public Hearing**

Not less than 15 days nor more than 30 days prior to a public hearing for a special use, notice of the time and place of such public hearing shall be advertised by:

- A. Publication at least once in a newspaper of general circulation within the City of Peoria;
- B. 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 line of the subject property; and
- C. 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 development code.

### **2.9.8 Development Review Board**

All applications for special uses shall be forwarded by the Zoning Administrator to the Development Review Board for their review. The Development Review Board shall review the site plan and report its findings and recommendations to the Planning and Zoning Commission within 30 days of the original filing of a certified complete application for said special use.

### **2.9.9 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 Planning and Zoning Commission shall keep a written record of findings relative to the standards for considering special use applications as listed below.

### **2.9.10 Standards**

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

- A. 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;
- B. 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;
- C. 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;
- D. Adequate facilities, access roads, drainage and/or necessary facilities have been or will be provided;
- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- F. The proposed special use is not contrary to (supports and furthers) the objectives of the adopted plans (see 1.6);
- G. 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;
- H. 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.

### **2.9.11 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 2.9.10. 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.

### **2.9.12 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.

### **2.9.13 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.

### **2.9.14 Amendments to Existing Special Uses**

Changes to previously approved Special Uses may be administratively reviewed and approved under the following circumstances:

- A. The proposed changes do not include a change of use; or
- B. The proposed changes do not include an expansion to building height or size, or parking lots greater than 10 percent, except for expansions or additions of accessory structures; or
- C. The proposed change does not include a change to the legal description of the special use; or
- D. There are no waivers of the Unified Development Code requirements.
- E. Applications for administrative amendments shall be submitted to the Zoning Administrator and subject to the site plan review process as set forth in 2.1.3 Development Review Board. Only one administrative amendment shall be approved for an extension of time to establish the use or an expansion to an existing building.
- F. Amendments to Shopping Centers shall be reviewed and approved as set forth in 5.3.3.J.

## **2.10 OFFICIAL DEVELOPMENT PLAN**

### **2.10.1 Purpose**

The purpose of the official development plan is to provide a mechanism for the review and approval of land uses within the N1 District. It is anticipated that a separate official development plan shall be approved for each institution within the district, and that the official development plan for each institution will be applicable to all the property owned or controlled by the institution which is within an the N1 District.

### **2.10.2 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:

- A. The boundaries of the area to be designated in the official development plan.
- B. The location of all existing structures, and structures for which building permits may be sought in the immediate future.
- C. Points of ingress and egress for the area designated within the official development plan.
- D. Any change from the requirements which would govern parking, signs, landscaping, setback, or yard use.
- E. 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.
- F. An exterior lighting plan illustrating the location of all illuminating fixtures, or illuminated signs.
- G. Illustration of any special treatment of the proposed site that enhances the quality of design.
- H. Streets on, adjacent to, or within the area located within the official development plan.

- I. Customary map data such as the name of the institution seeking approval of an official development plan, north point, scale, and date of preparation.
- J. A legal description of the property to be located within an area designated in the official development plan.
- K. 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.
- L. Any variation from the overall required parking, or perimeter setback requirements which is sought.

### **2.10.3 Review of Application for Adoption or Amendment**

- A. 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 Development Review Board. After reviewing the application, the Development 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.
- B. 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.
- C. 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 2.9.7. 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.
- D. 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.

### **2.10.4 Standards**

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

- A. 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.
- B. 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.
- C. Adequate facilities, access roads, drainage, and/or other necessary facilities exist or will be provided.
- D. Measures have been or will be taken to provide adequate ingress and egress to minimize traffic congestion of public streets.

### **2.10.5 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 development code.

### **2.10.6 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 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 section shall be construed as an amendment to this development code, 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.

### **2.10.7 Amendments to Existing Official Development Plans**

Changes to previously approved Official Development Plans may be administratively reviewed and approved under the following circumstances:

- A. The proposed changes do not include a change of use; or
- B. The proposed changes do not include an expansion to building height or size, or parking lots greater than 10 percent, except for expansions or additions of accessory structures; or
- C. The proposed change does not include a change to the legal description of the boundaries in the Official Development Plan; or
- D. There are no waivers of the Unified Development Code requirements.
- E. Applications for administrative amendments shall be submitted to the Zoning Administrator and subject to the site plan review process as set forth in 2.1.3 Development Review Board. Only one administrative amendment shall be approved for an extension of time to establish the use or an expansion to an existing building.

## **2.11 CRITICAL TRAFFIC MANAGEMENT AREAS**

- A. The City Council may, upon request by the Development Review Board, in the manner provided for amending this development code, designate specific areas as Critical Traffic Management Areas when such areas contain streets or portions thereof which are dangerous or hazardous, or lack sufficient capacity to efficiently accommodate existing and expected increases in traffic during the following ten year period.
- B. When the conditions requiring the designation are no longer present the designation may be removed in the manner provided for amending this development code.
- C. The effect of any designation shall be to require review by the Development Review Board of any property which is located within a Critical Traffic Management Area. In addition, when the development, construction or alteration of any site increases the traffic burden on any Critical Traffic Management Area., the Development Review Board may require the owner of the property for which such development is proposed to pay for improvements to the Critical Traffic Management Area. The Development Review Board may require the owner of the property for which such development is proposed to pay for improvements to the Critical Traffic Management

Area which would alleviate the expected increase in traffic associated with the development. Such payment shall be made, or secured in the same manner as payment for public improvements required under Section 2.13.

## **2.12 TRAFFIC IMPACT ANALYSIS**

- A.** Any allowable use or use authorized by the Zoning Administrator which meets the following conditions shall be required to submit a traffic impact analysis:
- 1.** Any use in which the total floor area or outdoor retail sales lot area exceeds 50,000 square feet of gross floor area;
  - 2.** Every medical office building, clinic, or office use where the total floor area exceeds 50,000 square feet;
  - 3.** Every hotel or motel in excess of one 100 rooms;
  - 4.** Every recreational facility, stadium, or similar establishment with a parking requirement in excess of 1,000 spaces;
  - 5.** Quality restaurants in excess of 7,000 square feet;
  - 6.** High turnover sit down restaurants in excess of 9,000 square feet;
  - 7.** Drive-in or fast-food restaurants in excess of 3,000 square feet; or
  - 8.** Any areas identified as a Critical Traffic Management Area as set forth in 2.11.
- B.** The traffic impact analysis will be reviewed by the Development Review Board and the City Council respectively for permitted uses and the granting of special uses, and may impose conditions to mitigate any impacts from the increased traffic.

## **2.13 SUBDIVISION**

### **A. Intent and Purpose**

The intent and purpose of this Subdivision Ordinance is to provide for the health, safety and welfare of the general public, by providing for the harmonious development of Peoria and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with other features, for adequate open spaces for traffic, schools, recreation and air, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets, and for the development of public grounds.

This ordinance is also intended to further the City of Peoria's objectives of being a sustainable community, as indicated by the Comprehensive Plan, including infrastructure which is connected and accessible for pedestrians and vehicles.

A subdivision review is required for any division of land where one or more lots are created.

### **B. Jurisdiction**

This ordinance shall apply to all land located within the City of Peoria, and within the area set forth and described as being contiguous or adjacent to said city within one and one-half miles from the city limits, but outside said city.

#### **2.13.1 Applicability**

This section shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this development code.

#### **2.13.2 Exemptions**

This section shall not apply in the following instances or transactions. However, a survey plat made by an Illinois Registered Surveyor shall be filed for the plat officer's review and approval for conformance to this development code, other pertinent regulations and adopted plans (see 1.6) for paragraphs A through F and a subdivision plat for G, H, and I.



- A. The division of lots or blocks of less than one acre in any recorded subdivision which does not involve the need for any new streets or easements of access.
- B. The sale or exchange of parcels of land between owners of adjoining and contiguous land which does not create an additional lot.
- C. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
- D. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
- E. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- F. Conveyances made to correct descriptions in prior conveyances.
- G. The division of land which is zoned for a shopping center for the purpose of transferring ownership and/or creating multiple owners of an original parcel within an approved site plan and where cross access and parking easements are maintained perpetually by recorded documents. A division per this section shall be for the transfer of ownership only and shall not require changes in setbacks, lot size and other requirements, nor shall the lot so created be considered a buildable parcel by itself.
- H. The division of a parcel containing existing buildings on commercial or industrial zoned property into zero lot line parcels containing portions of such buildings for the purpose of transfer of ownership where the property will perpetually share parking and access easements as evidenced by recorded documents. A division per this section shall be for the transfer of ownership only and shall not require changes in setbacks, lot size and other requirements, nor shall the lot so created be considered a buildable parcel by itself.
- I. The division of land which is part of an approved Planned Unit Development. A division per this section must be in conformance with the approved Planned Unit Development.

### **2.13.3 Sale of Land in a Subdivision**

- A. No owner or agent of the owner of any land shall transfer or sell any land by reference to, exhibition of, or by the use of the plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed in this development code. Any sale or transfer contrary to the provisions of this section is voidable within 90 days at the option of the buyer. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this development code.
- B. No interest in any real property in any subdivision or development shall be assigned, transferred or conveyed by the subdivider or developer to any other person until such time as the sanitary sewer, storm sewer or drainage system, water lines, curb and gutter and road base as required by this appendix is installed in accordance with approved construction plans, excepting assignments, transfers or conveyances for the purpose of obtaining a mortgage or loan on the subdivision or development or to another developer who accepts first developer's obligations.
- C. No final plat of any subdivision shall be accepted by the City of Peoria without the following covenant: "No deed will be delivered or title transferred or sale completed on any lot in this subdivision, except to another developer who accepts first developer's obligations, until such time as the sanitary sewer and storm sewer, if any, curb and gutter, and road base is installed, in accordance with construction plans submitted for this subdivision and approved by the City.

### **2.13.4 Permits**

The Director of Community Development shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

### **2.13.5 Public Improvements**

The City hereby defines its policy to be that the City will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the City Council.

### **2.13.6 Revision of Plat after Approval**

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning and Zoning Commission and City Council, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning and Zoning Commission.

### **2.13.7 General Design Standards**

- A.** In addition to the requirements established here and any other applicable requirements, all subdivision plats shall comply with the following laws, ordinances, and regulations:
  - 1.** The City of Peoria Municipal Code, Building and Housing Codes, Regulating Plans for Form Districts in 6.0, and all other applicable ordinances of the City of Peoria.
  - 2.** The City of Peoria Transportation Plan and the Public Works Master Bicycle Plan.
  - 3.** The requirements of the Peoria Fire department and utilities serving the subject property.
- B.** All subdivision plats shall conform to the principles of the City of Peoria Comprehensive Plan.
- C.** Land on which the Director, Planning and Zoning Commission, or City Council finds evidence of hazards such as, but not limited to, flooding, improper drainage, steep slopes, (30%+), contamination, or other features which will be harmful to the health, safety and/or welfare of the present or future inhabitants of the subdivision or its environs shall not be approved for subdividing until an engineering design that sufficiently mitigates the potential harm has been submitted by the applicant and approved by the City Engineer.
- D.** When land is subdivided into blocks, lots, or tract larger than necessary to accommodate the proposed uses, a provision for potential future resubdivision and development shall be taken into account. Provisions shall be made for future utilities and the subdivision arrangement shall be such that the location and opening of future streets is in conformance with the Street Plan.

### **2.13.8 Residential Subdivision Standards**

In addition to the standards in this Ordinance, which are appropriate to the planning of all subdivision, blocks in residential development shall have sufficient length and width, and appropriate shape to allow the ultimate design of lots suited for the planned land use, the requirements of the Unified Development Code, and traffic and safety controls consistent with the Public Works requirements. The following design standards apply:

- A.** Residential local street block lengths shall be a minimum of 250 feet and a maximum of 1,000 feet in length between street center lines except when constrained by exceptional topography or other limiting factors.
- B.** Any block over 700 feet must provide for an improved pedestrian through-walkway (five-foot sidewalk) as close to the center of the block as possible. This walkway must be dedicated to the public use.
- C.** The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- D.** Corner lots shall have extra width to accommodate appropriate building setbacks and driveway spacing to the intersection.
- E.** Side lot lines shall be as near as possible at right angles to straight street lines or radial to curved street lines.
- F.** Double frontage or through lots shall not be permitted, except in case of primary or secondary arterials.

- G. Streets shall conform to the Thoroughfare Plan and Public Works requirements and shall be fully constructed to the subdivision boundary unless otherwise specified by the City Engineer.

### **2.13.9 Non-Residential Subdivision Standards**

In addition to the standards in this Ordinance, which are appropriate to the planning of all subdivision, the subdivider shall demonstrate to the satisfaction of the Director, or Planning and Zoning Commission, or City Council that the street and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following design standards apply:

- A. Proposed blocks, lots, and tracts shall be suitable in area and dimension to the type(s) of development anticipated.
- B. Streets shall conform to the Thoroughfare Plan and Public Works requirements and shall be fully constructed to the subdivision boundary unless otherwise specified by the City Engineer.
- C. Where necessary as determined by the City Traffic Engineer and Fire Department, subdivisions shall specifically designate all areas proposed for service and emergency vehicle circulation.

### **2.13.10 Easements**

- A. Utility. Except where dedicated right-of-way or alleys are provided for this purpose, utility easements shall be shown on the final plat. No permanent structure or improvements with exception of those constructed to serve the purpose for which the easement was established shall be erected on said easement unless the holder of said easement agrees in writing to allow a structure or improvement to be placed upon such easement provided, further, that the holder may impose such restrictions or requirements as he, she, or it deems necessary to protect the use for which said easement is granted. Any such written agreement shall be filed with the city engineer and the recorder of deeds with regard to the particular parcel involved.
- B. Drainage. Where subdivisions abut or include a creek or tributaries thereto, an easement shall be dedicated to the City or County of Peoria for drainage and future improvements of such watercourse. The easement shall have sufficient width as determined by the city engineer and county superintendent of highways if appropriate. An easement for access to the creek or tributaries easement shall be provided. No building will be allowed within this easement. The requirements stated in this section or the acceptance of an easement provided for herein shall not make the City or County of Peoria liable for maintenance of the creek or for damage which may occur due to the presence of the creek.

### **2.13.11 Utilities**

- A. All utilities will be placed underground except in a designated flood-prone area. Utilities in designated flood prone areas shall be protected from flood damage.
- B. When located within the service area of a public sanitary sewerage district, sanitary sewers shall be constructed through the entire subdivision in such manner as to adequately serve all lots with connection to such public system in accordance with state law.
  - 1. Where a lot, platted prior to the date of this ordinance, cannot be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities consisting of a central treatment plant or, in the case of a single-family dwelling only, individual disposal device. Any lot platted within the corporate boundaries or the one and one-half-mile extraterritorial jurisdiction from the date of the adoption of this ordinance must be served with a connection to a public sanitary sewer system.
  - 2. All proposed sewage disposal systems shall comply with the ordinances of the City of Peoria and the Greater Peoria Sanitary and Sewage District and with the regulations of the State of Illinois and governing bodies of the City of Peoria, and County of Peoria.
  - 3. Before the final plat is approved there shall be a maintenance contract with either the city or sanitary district for the maintenance of treatment facilities and the distribution system.

### **2.13.12 Stream Buffer**

- A.** All subdivisions which contain or are adjacent to wetlands, rivers, streams, lakes and ponds shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments as set forth in the 8.6.

### **2.13.13 Streets, Sidewalks, Access & Connectivity Standards**

**A. Purpose:**

This Section is intended to ensure that the local street system is well-designed with regard to safety, efficiency, and convenience for pedestrian, bicycle, automobile, and other transportation modes.

**B. General Standards:**

- 1.** The subdivision design shall conform to the pattern of streets designated in the Thoroughfare Plan or any portion thereof and to any future street rights-of-way designated by the City Engineer.
- 2.** All public rights-of-way and streets, and private street designs and construction standards, shall meet the minimum specification of the Public Works requirements or as determined and approved by the City Engineer.
- 3.** The circulation pattern for the subdivision shall be designed to take advantage of the topography of the site, should function in a logical manner, and should be designed to accommodate the circulation demands of the proposed development based on the proposed land uses and external demands to be placed on the land. The circulation system should also take into account, when appropriate, various modes of transportation. Access must be adequate for service and emergency vehicles as determined by the City Traffic Engineer and Fire Department.
- 4.** The street and transportation system of any proposed development shall be designed in conformance with the City's Complete Streets Policy, which is intended to serve all modes of transportation that will use the system (including, but not limited to cars, trucks, buses, bicycles, pedestrians and emergency vehicles). The system shall provide more than one direct connection to and between local destinations such as parks, schools, and shopping. Streets must provide connections within the subdivision and to adjoining subdivisions to blend developments together and to disperse traffic.
- 5.** All developments shall have sidewalks on both sides of the streets. Alternative sidewalk/walkway systems to the standard system may be considered at the time of development review and approval. In addition, sidewalks shall also be required around the perimeter and interior to commercial developments, where appropriate, to provide pedestrian connectivity.
- 6.** Every subdivision lot shall have frontage on a publicly dedicated street or on an approved private street. All lots shall be developable and capable of being built upon.

**C. Relation to adjoining street system:**

Subdivision design should promote pedestrian and street connectivity, and consider adjacent land lot patterns and topography to further sustain any future land development including the following provisions:

- 1.** The arrangement of streets and sidewalks in new subdivisions or development shall make provisions for the continuance of the existing streets and sidewalks in adjoining areas. If the existing streets and sidewalks are dedicated, the streets and sidewalks in new subdivisions or development shall be dedicated if a continuance of development beyond the new subdivision or development is feasible.
- 2.** Where adjoining areas are not subdivided, the arrangement of streets and sidewalks in new subdivisions or development shall make provision for proper projection of dedicated streets and sidewalks to the boundaries of the tract proposed to be subdivided or developed.
- 3.** More than one point of access to address emergency vehicles.

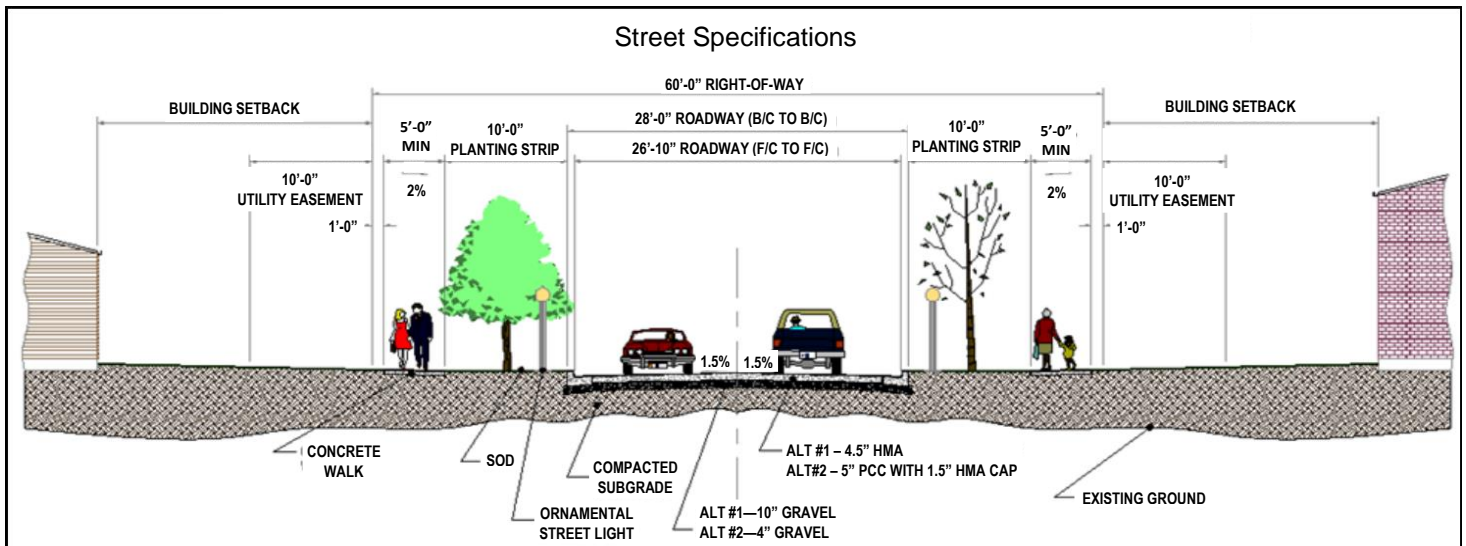
#### **D. Streets:**

All streets within a subdivision shall be constructed in accordance with the specifications of the City of Peoria.

##### **1. Local Street Widths and Right-of-Way**

The width of a local street shall be 28 feet from back of curb to back of curb. Such street shall be placed within a right-of-way width of 60 feet.

##### **2. All non-local street widths shall be determined on a case by case basis upon approval by the City of Peoria Public Works Department.**



##### **3. Additional Width on Existing Streets**

Subdivisions that adjoin existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street standard requirements set forth in this section as follows:

- a.** The entire additional right-of-way shall be provided, where the subdivision is on both sides of the existing street.
- b.** When the subdivision is located on only one side of an existing street one-half of the required additional right-of-way shall be provided.

##### **4. Cul-de-Sacs**

Within the Heart of Peoria area, no cul-de-sacs shall be platted after the effective date of this development code.

- a.** Local residential streets and private streets on which lots or development front that are also dead-end streets shall be no more than four hundred (400) feet long off secondary thoroughfares and no more than four hundred (400) feet long off collector streets and local residential streets unless necessitated greater by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet (paving width) and a street right-of-way diameter of one hundred (100) feet.
- b.** Minor residential streets on which lots front that are temporarily to be dead-end streets and are of a length greater than one hundred fifty (150) feet shall be provided with a temporary turn-around meeting one of the following requirements:
- c.** If adjacent land is owned by the developer and said developer will place a restriction on the land that will reserve said land for the purpose of providing a temporary turn-around, the developer can meet this requirement by reserving a turn-around area of one hundred (100) feet in diameter immediately adjacent to the end of platted street and will install thereon a roadway with a diameter of eighty (80) feet constructed with

a base course of thoroughly compacted gravel or crushed stone of a thickness of not less than six (6) inches.

- d.** The developer may, at his option, provide on one of the last lots fronting on the temporarily dead-ended street a restriction providing that a parcel of land with a minimum width of twenty (20) feet and a minimum depth of twenty-five (25) feet abutting the temporarily dead-ended street, shall be used as a temporary turn-around and on said land so restricted, the developer shall install over its entire area a four (4) inch concrete driveway accessible from a driveway approach installed to city standard specifications. When the temporarily dead-ended street shall be extended, any restrictions placed on the land for the purpose of meeting this requirement shall be automatically released by notation on the final plat and the removal of the temporary turn-around installation, if necessitated, shall be the responsibility of the land owner at the time the temporarily dead-ended street is extended.

**5. Reserve Strips**

There shall be no reserve strips controlling access to streets within any subdivision.

**6. Private Streets**

Private streets may be permitted in subdivisions in isolated cases in which there would be no interference with adjoining circulation patterns and would not harm adjacent property owners. All private streets in subdivisions shall meet City standards and will be subject to the City Engineer's approval and on-site inspection. A maintenance agreement must be submitted and approved by the City Council before final approval may be given. Private streets are allowed within an apartment development. The method for maintaining such private streets shall be approved by the City Council before final approval will be given.

**7. Street Jogs**

Street jogs with centerline offsets of less than 150 feet shall not be allowed.

**8. Intersections**

Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 80 degrees.

**9. Restriction of Access**

When a subdivision or portion of a subdivision adjoins a primary or secondary arterial, no lot shall have direct access to the primary or secondary arterial. Such lots shall be provided with frontage on a marginal direct access thereto. Said lots shall be provided with frontage on a marginal access street or street other than primary or secondary arterials.

**10. Street Names**

**a. General**

A proposed street which is in alignment with or joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicate the name of an existing street within the area covered by this development code, subdivision code, zoning code. The use of the suffix "street," "avenue," "boulevard," "drive," "way," "place," or "court" or similar description shall not be distinction sufficient to constitute compliance with this section. The proper name or names of a street shall not be more than ten letter characters and/or letter spaces combined in length.

**b. Honorary Street Name Signs**

- 1)** Whenever the City Council decides to honor a person, group or to designate by naming a street or other public way, the street or public way shall retain its official name and its legal status, and a suitable sign or signs may be installed at the location designated by proper ordinance indicating the name in conformity with the provisions of this development code.
- 2)** Any request for a temporary honorary street name sign shall be approved by the district councilperson of the district in which the name or such other public way is located and shall be submitted to the Director of Public Works for necessary action and standardization.

- 3) The cost of placement and maintenance or replacement of such signs, if approved by the district councilperson shall be entirely the responsibility of the requesting individual, who shall be charged for such costs by the Department of Finance. Such charges shall not be subject to waiver.

**11. Street Lights**

Street lighting is not required for residential subdivisions however, the developer may elect to install street lighting. Such lighting must meet the City of Peoria installation standards.

**12. Street Trees**

Street trees are required in all subdivisions placed within a 10-foot wide parkway at a 60-foot maximum spacing and with at least one tree per lot and two trees per corner lot. The building permit shall include a \$150 fee per tree on the property frontage. The City of Peoria will plant the trees as blocks are developed.

**2.13.14 Drainage Plan**

Prior to approval by the City of construction plans for public improvements, the applicant shall prepare a drainage plan of the area covered by the subdivision plat. The drainage plan shall indicate the proposed method of disposing of storm water from said area. This drainage plan may be submitted in conjunction with or as a part of the plat and topographical study required by state statute. A copy of the plan shall be submitted to the City Engineer. The plan shall indicate the manner in which stormwater runoff is to flow from back lot line locations to the proposed pavement or storm sewer system or existing approved watercourse. No structures or hard surface areas in a subdivision shall be built in a manner to interfere with the proper performance of the approved drainage system.

**2.13.15 Perpetual Maintenance of Common Property**

The perpetual maintenance of any common areas shall be provided for by a legal entity. Prior to the final approval of the development, the Planning and Zoning Commission must approve the method of perpetual maintenance selected by the developer. No change shall be made in the approved method by the developer until approved by the Planning and Zoning Commission.

**A. Homeowners' Association**

If a homeowners' association is formed, the articles must minimally contain the following provisions:

1. Legal description which geographically defines the area controlled by the homeowners' association and the property which is to be owned by the homeowners' association.
2. That all owners of property located within the development shall automatically become members of the homeowners' association. Provision shall be made for the timing of the transfer of control from the developer to the homeowners' association.
3. That no open space within the development shall be converted to other uses.

**B. Single Ownership**

In the event that the entire development is to remain under a single ownership, the applicant shall then file a deed restriction between the owner and the City of Peoria with the County Recorder of Deeds providing for a legal entity to be responsible for the maintenance of all common property.

**C. Trust or Other**

In the event a trust or other legal entity is used for the maintenance of the common property, said trust shall be legally bound to maintain common property for the benefit of the residents.

**2.13.16 Installation of Required Improvements**

**A. Required Improvements**

The subdivider of a proposed subdivision shall install, or provide for the installation of, the following improvements and facilities (City standards and material specifications for required improvements may be found in the City standard specifications manual for the City of Peoria on

file in the City Clerk's office. Additional information may be acquired from the Engineering Department):

**1. Streets**

**a. Grading**

All grading within the right-of-way shall be completed to the lines and grades as shown on the grading plan and as approved by the City Engineer.

**b. Backfill**

All trenches within two feet of the construction area shall be backfilled in accordance with City specifications.

**c. Street Surfacing**

- 1) All street pavements shall be surfaced and have a base provided in accordance with pavement design selections as provided in the standard specifications manual.
- 2) Before any pavement is laid on any streets in the subdivision, all sanitary sewer services and other utilities shall be stubbed in to the property line on all lots having frontage on said streets.

**2. Curb and Gutters**

Curb and gutters are to be constructed in accordance with the standard specifications of the City of Peoria.

**3. Sidewalks**

Concrete sidewalks of at least five feet in width, four inches thick and six inches thick at driveways shall be constructed on both sides of each street 12 inches from the right-of-way.

**a.** Sidewalks shall be installed in accordance with the "Standard Specifications" of the City and shall be installed after a permit has been procured from the City and shall be inspected by the city when installed. Within one year after construction is completed on 70% of a block in the subdivision, the applicant shall install all required sidewalks on the block.

**b.** Alternative sidewalk/walkway systems shall be constructed in accordance with the standards specified and accepted by the City at the time of plat or development approval.

**4. Driveways**

Driveway approaches shall be constructed according to the driveway standards of the City of Peoria.

**5. Surface Water Drainage**

Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the development and protect roadway pavements. Existing water courses shall be maintained and no development is permitted which would restrict the flow in such a watercourse. All stormwater systems should be designed in accordance with criteria contained in the surface and storm drainage design standards of the City of Peoria.

**6. Water Supply**

If the subdivision is to be developed with a public or community water system, water mains shall be installed in a manner that meets the requirements of the Fire Department and has been approved by said Fire Department and City Council.

**7. Street Name Signs**

**a.** All street name signs shall be installed by the City of Peoria Public Works Department per the City street sign standard or as approved by the Director of Public Works. The applicant shall pay a fee to the City for furnishing and installing the street name signs.

**b.** The total costs for the installation shall be \$200.00 per intersection, which includes the current rates in effect for all labor, equipment and material for the sign installation. These costs will be adjusted three percent each year and rounded to the nearest dollar commencing January 1, 1999. The fee shall be paid in full prior to release of



the final plat for recording. All street name signs shall be installed within 30 days of the issuance of the first building permit within a subdivision.

**8. Survey Monuments**

- a.** All subdivision boundary corners, street intersection corners, points of tangency and points of curvature of all curved lines, points at which street lines intersect the boundary lines of the subdivision, all lot corners and any intermediate points including brow markers as required by the City Engineer shall be marked with a permanent survey monument which shall consist of a steel or iron rod or pipe at least one-half inch in diameter and at least two feet in length. Such monuments, as near as possible, shall be placed so as to be below or flush with the established finished grade. All section and quarter-section corners shall be marked with a concrete monument, and a brass plaque following the specifications of the Illinois Department of Transportation Highway Standard Type Two.
- b.** It shall be the responsibility of the applicant to provide to the initial purchaser of each and every lot in the subdivision a recorded copy of the final plat of said subdivision (by a registered land surveyor) showing the location of all survey monuments on all lot corners and intermediate points pertaining to the individual lot and indicating that they are in place.

**2.13.17 Types of Subdivisions**

**A. Major Subdivision**

The purpose of a major subdivision is to provide a process for administrative approval of division of land which is:

- 1.** In conformity with the Comprehensive Plan and Zoning Ordinance of the City or County of Peoria, whichever is applicable.
- 2.** The subdivision otherwise conforms to all other applicable regulations.
- 3.** There are no waivers of subdivision ordinance regulations.
- 4.** The character of design is compatible with adjacent development and community policies.
- 5.** The plat is in conformance with the criteria of 2.13.7.

**B. Minor Subdivision**

The purpose of a minor subdivision is to provide a process for administrative approval of a division of land into five (5) or fewer lots:

- 1.** Which does not require, under these regulations, the design or construction of any public improvements, provided that if all required public improvements are in existence but do not meet current design standards, the city engineer may approve a waiver of the design standards;
- 2.** Which is in conformity with the comprehensive plan, subdivision ordinance and zoning ordinance of the city;
- 3.** Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction; and
- 4.** Which is located within the city or is otherwise under an annexation agreement which requires future annexation to the City of Peoria.

**C. Standard Subdivision**

The purpose of a standard subdivision is to provide a process for divisions of land which are not minor or major subdivisions.

**D. Survey plats for less than one acre**

The following survey plat made by an Illinois Registered Surveyor shall be filed for the plat officer's review and is subject to 2.13.4 and 2.13.7.A:

- 1.** The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve the need for any new streets or easements of access.

**E. Subdivision of land within one and one half mile extra-territorial jurisdiction**

Subdivision plats for land within the one and one-half mile extraterritorial jurisdiction may be reviewed through the administrative subdivision approval process, provided the following:

1. All subdivisions of land within the one and one-half mile extraterritorial jurisdiction must be served with a connection to a public sanitary sewer system unless:
  - a. The resulting division creates lots 40 acres in size or larger; or
  - b. If the resulting division creates a lot less than 40 acres in size and the property cannot connect to a public sanitary sewer system, an Annexation Agreement must be approved by the City. An Annexation Agreement is subject to review by the City Planning and Zoning Commission and approval of the City Council.
2. Such subdivision of land under paragraph 2.13.17.E.1.b above, which creates lots less than 40 acres in size and cannot connect to a public sanitary sewer system, shall be limited to:
  - a. One division of land into no more than two lots; and
  - b. No further division of either of the newly created lots or development of any new dwelling units on either of the newly created lots; and
  - c. Any further division or development of either lot shall be prohibited without adherence to the requirements of the City of Peoria Subdivision Ordinance and other applicable City Codes.

### **2.13.18 Preliminary Plat**

The purpose of the Preliminary plat is to allow for Staff review of the proposed subdivision to determine whether it will meet the design standards contained within this Subdivision Ordinance, to determine the issues to be addressed, and to give interested parties an opportunity to examine and comment on the proposed subdivision.

### **2.13.19 Final Plat**

The purpose of the final plat is to review the proposed subdivision for proper final engineering and subdivision design, to provide for dedication of lands required for public use and for the construction of public improvements, and for conformance with the approved preliminary plat.

### **2.13.20 Survey Plat**

The purpose of the survey plat is to review conveyances between adjacent properties, to review subdivisions of less than 1 acre in size.

### **2.13.21 Review Procedures**

<b><u>Case Type</u></b>	<b><u>Description</u></b>	<b><u>Notification Requirements</u></b>	<b><u>Approval Authority</u></b>	<b><u>Appeal Authority</u></b>
<u>Preliminary Plat, Minor Subdivision</u>	<ul style="list-style-type: none"> <li>• <u>Less than 5 lots</u></li> <li>• <u>No new streets</u></li> <li>• <u>Conforms to all regulations</u></li> <li>• <u>No waivers</u></li> </ul>	<u>No notification required</u>	<u>Director</u>	<u>Zoning Board of Appeals</u>
<u>Final Plat, Minor Subdivision</u>				
<u>Preliminary Plat, Major Subdivision</u>	<ul style="list-style-type: none"> <li>• <u>Conforms to all regulations</u></li> <li>• <u>No waivers</u></li> <li>• <u>May include new streets</u></li> </ul>	<u>Neighbors within 250 feet of the property</u>	<u>Director</u>	<u>Zoning Board of Appeals</u>
<u>Final Plat, Major Subdivision</u>				
<u>Preliminary Plat, Standard Subdivision</u>	<ul style="list-style-type: none"> <li>• <u>Plats which do not meet the definition of major or minor subdivisions.</u></li> </ul>	<u>Neighbors within 250 feet of the property</u>	<u>Planning &amp; Zoning Commission and City Council</u>	<u>City Council</u>
<u>Final Plat, Standard Subdivision</u>			<u>Director</u>	<u>Zoning Board of Appeals</u>

<u>Survey Plat</u>	<ul style="list-style-type: none"> <li>• <u>A plat to divide land of less than one acre in size</u></li> <li>• <u>No new streets or easements of access</u></li> <li>• <u>A plat for sale of land to adjoining land.</u></li> </ul>	<u>No notification required</u>	<u>Director</u>	<u>Zoning Board of Appeals</u>
<u>Plat within one and one-half mile extra-territorial jurisdiction</u>	<ul style="list-style-type: none"> <li>• <u>A plat to divide land located outside of City limits and within 1.5 miles.</u></li> </ul>	<u>No notification required</u>	<u>Director</u>	<u>Zoning Board of Appeals</u>

### **2.13.22 Pre-application Conference**

Pre-application conference between the developer and the Director of Community Development shall be scheduled upon submittal of an application form to the Director of Community Development. No plans are needed, but the developer shall present the general concept to be pursued, the size of the project, and its location. The Director of Community Development shall inform the developer of the entire review process required by this development code and the type of information required to complete each step of review. The pre-application conference may be extended as necessary.

### **2.13.23 Certificates**

The City shall maintain forms for any required certificates and acknowledgements to appear on preliminary plans and final plans and plats.

### **2.13.24 Subdivision Within a Form District**

The subdivision of land within a Form District shall follow the proposed street and block layout illustrated in the adopted regulating plan.

### **2.13.25 Sketch Plan**

#### **A. Application**

Prior to the filing of a preliminary plat, the subdivider shall submit to the Director of Community Development material relating to the proposed subdivision in order to avail themselves of the advice and assistance of materials that shall be submitted and the process of review that will be utilized for the particular project that is proposed. The process and materials required for submittal for a development type not specifically listed in this development code will be identified at this stage. The Director of Community Development will make known its comments within one week to the subdivider. This may include information relative to the site and conditions of the site, number and size of lots proposed, etc. Submitted material should include:

#### **1. Sketch Plan**

The sketch plan shall show in simple form: proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan discussion does not require formal application, fee or filing of the plat.

#### **2. General Subdivision Information**

General subdivision information should describe or outline the existing condition of the site and the proposed development as necessary to supplement the drawing listed above. This information may include data on existing covenants, land characteristics, and available community facilities; and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, proposed covenants (if any), street layout, existing zoning, and surrounding land use.

#### **3. Lots to be Used for Duplex Development**

The developer of a proposed subdivision will work with the Director of Community Development in locating lots that are to be used for duplexes (two-family dwellings). These lots will be stated as such on both the preliminary and final plats.

## **2.13.26 Preliminary Plat for Major, Minor, and Standard Subdivisions**

### **A. Filing of Preliminary Plat**

The subdivider shall file with the Community Development Director two copies of a preliminary plat for reference to the Planning and Zoning Commission, and other officials as provided in this section. A letter shall be filed with the preliminary plat that states the ownership, the engineer, availability of water and sanitary sewer, requested variances, and other information pertaining to the commission's consideration.

### **B. Contents of Preliminary Plat**

The preliminary plat shall contain the following information:

#### **1. Description**

- a.** Name of proposed subdivision.
- b.** Name and address of subdivider and owner.
- c.** Name of engineer and registered land surveyor.
- d.** Scale (1" = 100'), north point and date of preparation.
- e.** Location sketch map showing relationship of the subdivision site to the surrounding area.

#### **2. Existing Conditions**

- a.** Topography by contours at vertical intervals of two feet or less except when a greater interval is required because of terrain.
- b.** Acreage to be subdivided.
- c.** The location of all present property lines, section lines, streets, buildings, water courses, and other existing features within the area being subdivided.
- d.** Existing outlets, drainage courses, one-hundred year floodplain boundary, and culverts within the tract or on streets immediately abutting.

#### **3. Proposed Conditions**

- a.** Location, width and names of all proposed streets and walkways.
- b.** Layout and scale dimensions of all lots, including minimum front and rear yard setback lines, and lot numbering.
- c.** Draft of proposed protective covenants (if any) to be imposed.
- d.** Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, walkways, playgrounds, schools, public buildings and similar semi-public uses, and whether such areas are to be public or private.
- e.** Designation of any lots to be used for duplex development.

#### **4. Certificates**

Required certificates and acknowledgements shall be provided in a form acceptable to the City.

## **2.13.27 Final Plat for Major, Minor, and Standard Subdivision**

### **A. Filing of Final Plat**

The subdivider shall file with the Community Development Director the original and 3 copies of the final plat and one copy of area calculations, boundary closures, required easement and any other pertinent information within 12 months after the date the preliminary plat was approved. The Community Development Director shall transmit the final plat if it is substantially in conformance with the preliminary plat as determined by the Community Development Director and Planning and Zoning Commission chairman to the City Council, together with its report and recommendations thereon within 30 days after receipt of such plat. If such final plat is determined not to be in conformance with said preliminary plat, the final plat will be sent to the Planning and Zoning Commission for review.

### **B. Contents of Final Plat**

The final plat shall contain the following information:

#### **1. Description**

- a.** Name of proposed subdivision.

- b. Scale (1" = 100'), north point and date of preparation.
- c. Correct legal description of property involved.
- 2.** Existing Conditions
  - a. Acreage to be subdivided.
  - b. The location of all present property lines, section lines, and streets that are to remain the same within the area being subdivided.
- 3.** Proposed Conditions
  - a. Location, width and names of all proposed streets and walkways.
  - b. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, easements and other areas for public or private use. (Linear dimensions are to be given to the nearest 1/100th of a foot.)
  - c. Location of all survey monuments and their descriptions. Location by three witnesses of any city or Greater Peoria Sanitary District benchmarks of horizontal or vertical control monuments. Location and ties with bearing distances to the nearest plat corners from any existing quarter or section corner.
  - d. Layout and scale dimensions of all lots, including minimum front and rear yard setback lines and lot numbering.
  - e. Designation of any lots to be used for duplex development.
- 4.** Additional Information
  - a. Line of departure of one street from another.
  - b. Names and widths of adjoining streets.
  - c. Radii, arcs or chord, points of tangency and central angles for all curvilinear streets and radii for rounded corners. Also, the location of PT and PC from the nearest lot line.
  - d. Evidence of closure (one to 5,000 feet), together with the method of computing the area contained within the subdivision boundaries and the error factor.
  - e. One-hundred year floodplain boundary and base flood elevations (BFE) as determined by the Zoning Administrator or City Engineer. When requested, BFE must be provided at every other lot line or every 150 lineal feet, whichever is closer.
  - f. One reproducibile (mylar) copy of the final plat.
- 5.** Certificates  
Required certificates and acknowledgements shall be provided in a form acceptable to the City.

## **2.13.28 Construction Plans**

### **A. Submittal of Construction Plans**

Upon approval of the preliminary plat, the applicant shall have prepared by or under the supervision of an engineer, engineering drawings for the proposed required improvements containing the data and information specified in 2.13. Such drawings shall be certified by an engineer, and shall be submitted in triplicate to the City Engineer.

### **B. Content of Construction Plans**

Engineering drawings for required improvements shall contain the following minimum information (additional information may be requested by the Director of Public Works):

- 1.** Plans, details, specifications and cost estimates for roadway and sidewalk construction, including plans, profile indicating existing topography and elevation (using city USGS datum) including curb and sidewalk elevation, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. The profiles of grade lines (both property and centerlines) shall be shown to a scale of one inch equals 50 feet horizontal, and one inch equals five feet vertical; or to a scale approved by the City Engineer. This information shall be shown on standard plan and profile sheets unless otherwise requested by the City Engineer.

2. Plans shall include right-of-way line, property lines, centerline of both proposed and existing streets, and survey plat lines.
3. Details, profiles, specifications and cost estimates of proposed storm drainage improvements with calculations.
4. Plans, profiles, details, specifications and cost estimates of proposed water supply facilities.
5. Plans and specifications of proposed subsurface facilities for the sanitary sewage facilities.
6. When unusual site or construction conditions exist, the City Engineer may request such additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.
7. Topography shall be shown by two foot contour increments.
8. One set reproducible (Mylar or linen) copy of approved construction plans.

**C. Review of Construction Plans**

The City Engineer shall review the plans to determine whether the proposed construction plans comply with 2.13. Where such drawings are consistent and so comply, the developer will submit to the City Engineer the original drawings and one set of reproducible mylar for signature and the developer shall return the original set of approved plans. In the event that the drawings do not conform or comply, the developer shall have the drawings corrected.

**D. Construction of Improvements**

1. No improvements shall be constructed nor shall any preliminary work be done on publicly dedicated streets until such time as a preliminary plat and the construction plans have been approved and there shall have been compliance with all of the requirements relating to the appropriate surety requirements.
2. All construction shall be in accordance with the general laws and construction procedures of the City. All contracts for construction of proposed public improvements and of private streets will be prepared or approved by the applicant's engineer. The applicant shall provide an engineer who shall be responsible for inspecting all phases of the construction to insure compliance with the general laws and construction procedures of the City. Barricades, signs, lights, and maintenance will be required of the contractor at the construction site. The applicant's engineer shall provide an acceptable certificate stating that the private streets are built to City standards before the City Engineer approves them.

**E. Inspection and Security Requirements**

**1. Surety Requirements**

The applicant shall furnish surety to the City when he develops within the boundaries of the City. The surety shall take any of three separate forms:

- a. The applicant may elect to complete all public improvements before the City records the plat and before the sale of any lot.
- b. The applicant may elect to provide an acceptable insurance or bonding company performance bond equivalent to 100% of the total estimated costs of all improvements required by this development code. At the option of the applicant, separate bonds may be furnished for sidewalk construction and other public improvements.
- c. The applicant may elect to provide an escrow agreement established in favor of the City within the City limits with an acceptable bank or trust institution pursuant to an acceptable trust agreement in an amount equivalent to 100% of the estimated cost of construction of all improvements. The applicant shall have the option of having a proportionate amount of the account released upon acceptance of each stage of construction of the improvements. Acceptance and release of funds as herein provided shall in no way affect the contractual obligations between the applicant, contractor, subcontractor, or any other party regarding any responsibility for the quality of work performed.
- d. The surety shall serve to assure the warranties of the applicant that the improvements will be constructed pursuant to the following:
  - 1) The final plat approved by the City Council,

- 2) The construction plans approved by the City Engineer,
  - 3) The standards set forth in 2.13 Subdivisions, and
  - 4) The design standards promulgated by the City Engineer and such exceptions from the standards as may be approved by the City Manager.
- e. The surety shall remain in full force and effect until written acceptance of the improvements by the City Manager. Such acceptance will not be given until receipt of an acceptable certificate by the applicant's engineer and final inspection by the City. The final inspection shall be conducted after receipt of the certificate of the applicant's engineer. A guarantee bond may be required at the City Engineer's option.
2. On-Site Inspection and Fee  
Required on-site inspection will be provided by the City at various critical points of construction. An inspection fee of \$15.00 per lineal foot shall be charged to the developer.

## **2.13.29 Major and Minor Subdivision Approval Process**

### **A. Intent**

The intent of the administrative approved subdivision is to provide an alternative process to review and approve certain subdivision plats and eliminate the requirement that all subdivision plats be reviewed by the Planning and Zoning Commission and approved by the City Council under the following circumstances:

1. The subdivision is in conformity with the adopted plans (see 1.6) and this development code.
2. The subdivision otherwise conforms to all other applicable regulations.
3. There are no waivers of 2.13.
4. The character of design is compatible with adjacent development and community policies.

### **B. Administrative Subdivision Application**

Application, documents and fees for administrative subdivision approval shall conform to requirements for subdivision plat review and approval. Additional submittals as required by the administrative subdivision review process shall also be submitted.

### **C. Administrative Rules**

The Director of Community Development is authorized to issue, amend, and withdraw administrative rules that implement, interpret and clarify the requirements of this development code. Persons shall comply with these administrative rules to the same extent that they are required to comply with the sections of this development code that the administrative rules implement, interpret and clarify.

### **D. Subsidiary Drainage Plat**

The owner shall submit with the preliminary subdivision plat a "subsidiary drainage plat" in accordance with the Plat Act, 765 ILCS 205/0.01 et. seq., as amended from time to time, unless the City certifies that a subsidiary drainage plat is not required.

### **E. Distribution and Review**

1. The Director of Community Development shall distribute copies of the preliminary plat to the appropriate City governmental agencies, District Council member of the district in which the plat falls and others as per departmental procedures for administrative approval of plats.
2. Final plats shall be reviewed and approved by the Director of Community Development for conformance with an approved preliminary plat and construction plans approved by the City Engineer.

### **F. Approval**

#### **1. Time**

The Director of Community Development shall approve or disapprove the preliminary subdivision plat within 30 working days, or such extended period as may be required for approval by other entities, of the receipt of a complete application for subdivision approval and all required fees. If it is not approved within this time period, unless the applicant requests that action be delayed, the subdivision shall be deemed to have been disapproved.

If a subdivision is not approved, the Director of Community Development shall notify the owner in writing within seven days of denial.

**2. Approval**

When the Director of Community Development finds that the preliminary and/or final subdivision plat meets the criteria for approval and the fees have been paid, then the Director of Community Development shall approve the preliminary and/or final subdivision plat. The signature of the Director of Community Development on such plats shall be evidence of these approvals.

**3. Certificates**

Required certificates and acknowledgements shall be provided in a form acceptable to the City.

**G. Length of Time Approval Valid**

Administratively approved preliminary plats shall be in effect for one year from the date of such approval. Unless the subdivision final plat has been recorded within 90 days of final written approval of such final plat with the Peoria County Recorder of Deeds, the approval shall be null and void.

**2.13.30 Standard Subdivision Approval Process**

**A. Distribution and Review**

The Community Development Director shall distribute copies of the preliminary plat to the appropriate City governmental agencies and districts. All adjoining property owners will be notified of preliminary plat hearing ten days in advance. The Community Development Director shall review the preliminary plat and make recommendations thereon to the Planning and Zoning Commission.

**B. Failure of Planning and Zoning Commission to Act**

If the Planning and Zoning Commission fails to approve or disapprove a preliminary plat within 30 days after the date such plat is submitted to it or from the date the subdivider has submitted the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved.

**C. Effect of Approval**

1. Approval of the preliminary plat, including required modifications, indicates that if the final plat is substantially in conformance with the preliminary plat, the final plat will be approved.
2. Such approval shall be effective for no more than 12 months from the date preliminary approval was granted, unless, upon application from the subdivider, the Community Development director grants an extension of time beyond this period. If a final plat has not been submitted within this allotted time period, the preliminary plat must be resubmitted to the Planning and Zoning Commission as if such plat had never been approved.

**D. Notification of Action**

The Planning and Zoning Commission shall give notice to the subdivider of its actions in the following manner:

1. If approved with modifications or disapproved, the Community Development Director shall attach to the plat a statement of the reasons for such action and shall mark a copy of the plat in red accordingly and return it to the subdivider.
2. If approved, the Community Development Director and the Planning and Zoning Commission chairman shall affix their signatures to the plat on the proper certificate, and the Planning and Zoning Commission shall submit said plat to the City Council and the City Council shall accept or reject said plat within 30 days after its next regular meeting following the action of the Planning and Zoning Commission. Preliminary approval shall not qualify a plat for recording.
3. If the preliminary plat is approved by the City Council, the City Clerk shall attach a certified copy of the resolution of approval to a copy of the plat. If the proposed plat is not approved,



the resolution shall state the reasons for disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to the requirements of development code.

### **2.13.31 Disapproval of Major, Minor and Standard Subdivision Preliminary Plat**

The preliminary plat may be disapproved by the City Staff, Planning and Zoning Commission and/or City Council because the plat:

- A. Fosters excessive population density; or
- B. Fosters inefficient use of land area; or
- C. The character of design in not compatible with adjacent development; or
- D. The design is a substantial departure from the aesthetic standards of the community; or
- E. Adequate infrastructure both within and supportive to the subject property is not in place or has not been provided for; or
- F. The plat does not conform with the requirements of 2.13 Subdivisions

No application for a preliminary plat which had been denied wholly by the city council or through the administrative subdivision approval process, shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or if proof of significant change of conditions are found to be valid by the community development administrator.

Unless the subdivision final plat has been recorded within ninety (90) days of final written approval of such final plat with the Peoria County Recorder of Deeds, the approval shall be null and void.

### **2.13.32 Appeals**

Any appeal of the administrator's decision may be forwarded to the City of Peoria Zoning Board of Appeals to confirm or reverse that decision as outlined in 2.7.

### **2.13.33 Recording of Plat**

No plat of any subdivision confirmed by this development code shall be entitled to record in the County Clerk's offices, or for any validity until it shall have been approved in the manner prescribed in this development code.

It is the responsibility of the applicant to record the final plat and provide to the Department a copy of the fully executed final plat.

### **2.13.34 Significant Changes**

- A. If there are significant changes on the proposed final plat from the previously approved preliminary plat, a new preliminary plat shall be submitted in accordance with the provisions of the Subdivision Ordinance. Significant changes include, but are not limited to, modifications of street patterns, drainage ways, design elements, lot layout or an increase in the number of lots proposed.
- B. The Director shall have discretion in accordance with the criteria and standards in the Subdivision Ordinance to decide whether changes on the proposed final plat from either the preliminary plat are significant enough to require the submittal of a new preliminary plat. Any appeal of the Director's decision regarding the significance of the changes will be to the Zoning Board of Appeals.

### **2.13.35 Development Fees**

#### **A. Purpose**

For the purpose of providing recreational and elementary educational facilities to serve future residential areas, a fee per dwelling unit will be levied or a donation of land of a comparable value will be required if same is indicated on an applicable adopted plan (see 1.6) or any eligible agency involved.

**B. Applicability and Jurisdiction**

This section and all its requirements and provisions shall apply to all developments if residential in nature.

**C. Land Donation**

1. If a site for recreational and/or educational facility is indicated on an applicable adopted plan (see 1.6) or any eligible agency involved on any land included within the proposed development, then the applicant shall donate the land required in an amount equal to the monetary value of the fees that would be collected if no site were shown on any applicable adopted plan.
2. If there is any question as to the location and/or configuration of the site, the agency involved shall make the determination.
3. If there is a dispute as to the value of the land to be donated then the applicant and the City of Peoria shall each select a qualified land appraiser and they shall determine the value. If they cannot compromise the issue then they shall select a third appraiser who shall determine the value.

**D. Required Fees**

If no recreational or educational site is shown on any agency's official plan nor that of a City of Peoria adopted plan (see 1.6) then a fee shall be levied according to the following chart:

<u>Type of Unit</u>	<u>Recreation Fee</u>	<u>Education Fee</u>	<u>Total</u>
<u>Single-family detached</u>	<u>\$50.00</u>	<u>\$500.00</u>	<u>\$550.00</u>
<u>Single-family attached</u>	<u>\$40.00</u>	<u>\$250.00</u>	<u>\$290.00</u>
<u>Apartment</u>	<u>\$30.00</u>	<u>\$100.00</u>	<u>\$130.00</u>

**E. Records**

Records shall be maintained so as to record land donations versus fees due. If land donations are made then the amount of fees due shall be reduced by an amount equal to the monetary value of the land donated. Said value shall be determined above.

**F. Collection of Fee**

The required fee shall be due and collectible at the time when application is made for building permits.

**G. Establishment of Acquisition/Development Fund**

All such fees collected shall be deposited in a separate account not to be commingled with any other monies. That account shall be used solely for the purpose of defraying the cost of acquisition land and/or site development for recreational and educational purposes which may be reasonably required by the development and which is designated for such purpose on an applicable adopted plan (see 1.6) or official plan for any eligible agency.

**H. Administration of Fund**

1. All monies received shall be deposited in a separate fund to be administered by the City treasurer. Investments may be made in the manner of and subject to the limitations of other City funds.
2. An accurate accounting as to the source of all monies collected shall be maintained so a determination can be made as to the jurisdiction in which the money was collected in order to determine the eligible agency at the time of the requested withdrawal.

**I. Limitations and Exceptions**

All monies in the fund shall be used for recreational and educational site acquisition and/or development and, as near as possible, acquisitions and/or development shall reflect site needs in the general area in which the fees were collected.

**J. Withdrawals from Fund**

- 1.** Eligible agencies shall be entitled to request a withdrawal of the fees collected within their respective jurisdictions when they have submitted evidence that they have acquired a site. The withdrawal shall not be greater than an amount equal to the acquisition and/or development cost. The funds applied for shall be used only for acquisition and/or development of sites designated on a plan officially approved and adopted by the City Council and recorded in the office of the Recorder of Deeds of Peoria County. The City Council shall determine whether the conditions of this development code have been complied with and what monies shall be withdrawn.
- 2.** Monies not withdrawn shall remain in the fund and shall remain accounted to the jurisdiction from which they were collected.
- 3.** If for any reason an agency becomes ineligible for a period of two years any fees collected within its jurisdiction shall be distributed equally and credited to the accounts of those agencies eligible at that time.

**2.13.36 Modifications (Waivers)**

**A. Applications Required**

Application for any modification shall be submitted in writing by the applicant at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

**B. Modifications**

The Planning and Zoning Commission and City Council may authorize a modification from these regulations when, in their opinions, undue hardship may result from strict compliance. In granting any modification the commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, the Commission shall take into account the nature of the proposed subdivision and the existing use of land in the vicinity, the number of persons to reside, or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No modifications shall be granted unless the Commission finds:

- 1.** That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- 2.** That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- 3.** That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

**2.14 Fees**

**2.14.1 General**

Fees shall be required for the following application types. All fees are non-refundable:

<b><u>Application Type</u></b>	<b><u>Fee</u></b>
<u>Map Amendment (Rezoning)</u>	<u>\$750.00 plus \$100.00 per acre, not to exceed \$7,500.00 <sup>1,3,5</sup></u>
<u>Permanent Sign Permit</u>	<u>\$120.00 for 1 to 10 signs; \$240.00 for 11 or more signs</u>
<u>Residential Cluster Development</u>	<u>\$750.00 minimum plus \$100.00 per acre to a maximum of \$7,500</u>
<u>Special Use, Special Use Amendment</u>	<u>\$750.00 minimum plus \$100.00 per acre to a maximum of \$7,500<sup>5</sup></u>
<u>Subdivision Fee -all types</u>	<u>\$750.00 minimum plus \$100.00 per acre to a maximum of \$7,500</u>
<u>Survey Plat Review; Zoning Administrator</u>	<u>\$125.00</u>
<u>Text Amendment</u>	<u>\$750.00<sup>2,5</sup></u>
<u>Administrative Deviation</u>	<u>\$500.00</u>

<u>Variance</u>	<u>\$750.00 minimum plus \$100.00 per acre to a maximum of \$7,500</u>
<u>Wireless Communication Facilities; Collocation</u>	<u>\$0<sup>5</sup></u>
<u>Wireless Communication Facilities; New</u>	<u>\$2000.00<sup>4,5</sup></u>
<u>Transfer of Property Certificate</u>	<u>\$120.00</u>

<sup>1</sup>Applications to rezone to a more restrictive zoning classification are no charge (\$0). For the purposes of this process, RE is considered the most restrictive and I3 is the least restrictive.

<sup>2</sup>No fee to governmental agencies. All applications are to be accompanied by a proposed draft copy of the amendment.

<sup>3</sup>Applications shall be accompanied by legal description of the property, the relief requested or facts relating thereto, documentary compliance with any land trust disclosure provisions of City Ordinances, proof of legal ownership and other such information as may be required from the city.

<sup>4</sup>If third-party review is required, as determined by the Zoning Administrator: costs of the additional review shall be borne solely by the applicant.

<sup>5</sup>No more than two (2) deferrals of a public hearing may be requested by the petitioner of a variance, amendment, special use, or amendment to the text of this Code. Requests from the petitioner for more than two (2) deferrals of such applications will require a resubmittal of the original application fee, except where extenuating circumstances exist, as determined by the Zoning Administrator

## **2.15 Penalties and Enforcement**

### **2.15.1**

It shall be a violation of this development code for any property owner to permit the use of its property in violation of this development code. In addition, a contractor or anyone who performs work, repairs, or alterations, inconsistent with regulations of this development code shall be in violation of this development code and subject to a fine not less than \$300.00 nor more than \$750.00 as set forth in Chapter 1, Section 1-5 of the Peoria City Code.

### **2.15.2**

A person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of the provisions of this development code shall be guilty of a code violation, punishable by a fine of not less than \$300.00 nor more than \$750.00 as set forth in Chapter 1, Section 1-5 of the Peoria City Code. Each day such a violation or failure to comply is continued, or permitted to exist, after notification thereof, shall constitute a separate offense.

### **2.15.3**

All documented violations may be enforced by using short or standard form complaints.

- A. The short form complaint should provide for a reply by the violator, admitting guilt and specifying a fine according to the following schedule:
  - 1. First Offense: \$300.00.
  - 2. Second Offense: \$525.00.
  - 3. Third Offense (or more): \$750.00.
- B. At any time during, prior to or after seeking fines, the City may file for injunctive relief. The above fines shall not be construed to limit the authority of any judge in the exercise of their contempt powers.

## **2.16 Applicability of Standards**

The standards of this development code shall be applied as outlined in the tables below.

**A. Base Districts**

	<u>Parking Surface<sup>2</sup></u>	<u>Parking Space Striping<sup>2</sup></u>	<u>Disabled Spaces<sup>2</sup></u>	<u>Mechanical &amp; Utility Screening<sup>2</sup></u>	<u>Use Standards</u>	<u>Parking Number, Stacking &amp; Loading<sup>2</sup></u>	<u>Landscaping<sup>2</sup></u>	<u>Buffers &amp; Screening<sup>2</sup></u>	<u>Signs</u>	<u>Exterior Lighting</u>	<u>Setbacks &amp; Yards, Build To<sup>1</sup></u>	<u>Height<sup>1</sup></u>	<u>Windows and Doors<sup>1</sup></u>	<u>Open Space Areas</u>	<u>Access, Circulation, Driveways</u>	<u>New Awnings, Canopies, Porches<sup>1</sup></u>	<u>Materials<sup>1</sup></u>	
	<u>Section 8.1.5</u>		<u>Chapter 5 Section 601.2</u>		<u>Section 5.3</u>	<u>Section 8.1</u>	<u>Section 8.2</u>	<u>Section 8.3</u>	<u>Section 8.5</u>	<u>Chapter 4</u>	<u>Section 4.3</u>	<u>Chapter 4</u>	<u>Chapter 8</u>	<u>Sections 4.2 and 4.3</u>				
<b><u>Commercial, Office, Industrial, Institutional, Parking, Overlay Districts, Multi-Family (Three or more units)</u></b>																		
<b><u>New Construction</u></b>																		
<u>25% or less expansion of existing building area</u>	X	X	X	X														
<u>26% to 50% expansion of existing building area</u>	X	X	X	X							X							
<u>51% or greater expansion of existing building area or on land without structures</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b><u>Expansion of Parking Area Only</u></b> (Not in conjunction with a use/building expansion)																		
<u>Up to 10 spaces</u>	X	X	X	X														
<u>11 or more additional spaces</u>	X	X	X	X			X	X							X			
<b><u>Façade Changes</u></b> (decrease in windows and/or doors)													X					
<b><u>Single-Family (attached or detached)</u></b>																		
<b><u>New Construction</u></b>	X				X	X	X				X	X	X	X	X	X	X	X
<b><u>Expansion of Building Area</u></b> (addition, deck, sun room, porch)	X				X						X	X					X	X
<b><u>Expansion of Use</u></b> (accessory structure, shed, detached garage, recreational facility)	X				X						X	X						X
<b><u>Special Use (including amendments)</u></b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

<sup>1</sup>Applicable for newly constructed area only

<sup>2</sup>Applicable to existing and new construction portions

**B. Form Districts**

	BES				ARCHITECTURAL STANDARDS										
	Height	Siting	Elements	Use	Roofs & Parapets	Facades	Doors & Windows	Existing Buildings &	Street and Garden Walls	Exterior Building Materials	Signage	Lighting	Mechanical Equipment	Streetscape Standards	Parking Requirements
<b>Form Districts</b>															
<b><u>New Construction</u></b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b><u>Expansion of Building Area<sup>1</sup></u></b>															
<u>0%-25% expansion of building area</u>	X	X	X							X			X		
<u>26% to 50% expansion of building area</u>	X	X	X			X		X		X			X		X
<u>51% or greater expansion of building area</u>	X	X	X	X	X	X	X	X		X	X	X	X	X	X
<b><u>Expansion of Parking Area Only<sup>1</sup></u></b> (Not in conjunction with a use/building expansion)															
<u>Up to 10 spaces</u>		X	X							X				X	X
<u>11 or more additional spaces</u>		X	X						X	X	X	X		X	X
<b><u>Facade Changes<sup>1</sup></u></b> (decrease in windows, doors, or material changes)						X	X								
<b><u><sup>1</sup>If waivers of form district regulations are requested, such request shall be subject to the Special Use process as outlined in Section 2.9.</u></b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

## **3.0 DISTRICTS ESTABLISHED**

To carry out the provisions of this development code, the following districts have been established.

### **3.1 BASE DISTRICTS**

#### **3.1.1 Residential**

- A. Agriculture (A1)
- B. Estate Residential (RE)
- C. Single-Family Residential Low Density (R1)
- D. Single-Family Residential Medium Density (R2)
- E. Single-Family Residential Medium Density (R3)
- F. Single-Family Residential High Density (R4)
- G. Residential Cluster Development (R5)
- H. Multi-Family Residential (R6)
- I. Multi-Family Residential (R7)
- J. Multi-Family Residential (R8)

#### **3.1.2 Office**

- A. Arterial Office (O1)
- B. Exclusive Office Park (O2)

#### **3.1.3 Commercial**

- A. Neighborhood Commercial (CN)
- B. General Commercial (CG)
- C. General Commercial (C1)
- D. Large Scale Commercial (C2)
- E. Central Business District (B1)

#### **3.1.4 Industrial**

- A. Industrial/Business Park (I1)
- B. Railroad/Warehouse Industrial District (I2)
- C. General Industrial District (I3)

#### **3.1.5 Institutional**

- A. Institutional (N1)

#### **3.1.6 Parking**

- A. Parking (P1)

### **3.2 FORM DISTRICTS**

- A. Prospect Road (PR)
- B. Sheridan Triangle (ST)
- C. West Main (WM)
- D. Warehouse (WH)

### **3.3 OVERLAY DISTRICTS**

- A. Neighborhood Conservation (oNC)
- B. Riverfront (oR)
- C. Controlled Thoroughfare Corridor (oT)

### **3.4 ZONING MAP**

#### **A. Zoning Map Incorporated**

The location and boundaries of the districts established by this development code are set forth on the zoning map entitled "City of Peoria Zoning District Map," which is incorporated herein, and hereby made a part of this development code. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this development code as though fully set forth and described herein.

#### **B. Rules of Interpretation**

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

1. The district boundaries are either streets or alleys unless otherwise shown and where districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad right-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this development code, the Planning and Zoning Commission, after due hearing, may extend the regulations for either portion of such lot.

#### **C. Form District Regulating Plans**

The Form District regulating plans are hereby incorporated in this development code and made a part thereof. The regulating plans, together with everything shown on them and all amendments to them, shall be as much a part of this development code as though fully set forth and described herein. Regulating plans shall be interpreted in accordance with 6.0, Form Districts.

### **3.5 REQUIREMENTS APPLICABLE TO ALL DISTRICTS**

#### **A. Permitted Uses**

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No buildings or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

1. Uses lawfully established on the effective date of this ordinance; and
2. Special uses allowed in accordance with the provisions of 3.5.D, hereunder.

#### **B. Uses Already Established**

Uses already established on the effective date of this ordinance, and rendered nonconforming by the provisions thereof, shall be subject to the regulations of Chapter 9, Nonconformities.

#### **C. Special Uses**

Special uses as hereinafter listed, may be allowed in the zoning districts indicated, subject to approval in accordance with the provisions of 2.9.

#### **D. Interpretation of Use Lists.**

The Zoning Administrator may allow land uses (permitted or special) which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be clearly similar in nature, impact and character to listed uses.

#### **3.5.1 Number of Buildings on a Zoning Lot**

Not more than one principal building shall be located on a zoning lot, nor shall a principal building be located on the same zoning lot with any other principal building, except in the case of multifamily



buildings for multifamily developments, row or townhouses, in N1 Institutional District Official Development Plans, Form Districts, and in all commercial, office, and industrial districts subject to all other applicable sections of this development code.

### **3.5.2 Division of Zoning Lots**

No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all applicable bulk regulations of the zoning district in which the property is located.

### **3.5.3 Minimum Lot Size**

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this development code shall provide a lot or parcel of land in accordance with the lot size requirement of the district within which it is located. In any residential district, on a lot of record on the effective date of this development code, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this development code and the City Code are complied with; however, where two or more continuous substandard recorded and undeveloped lots are in common ownership and are of such size as to constitute at least one conforming zoning lot, such lots or portions thereof shall be so joined, developed, and used for the purpose of forming an effective and conforming zoning lot or lots. Such contiguous substandard lots in common ownership shall be considered as being maintained in common ownership after the effective date of this development code for zoning purposes. In no case shall a lot created illegally be considered a lot of record.

### **3.5.4 Lot Size Requirements**

Lot size requirements shall be as set forth under each district and:

- A. No use shall be established or hereafter maintained on a lot recorded after the effective date of this development code which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located.
- B. No existing lot, building or dwelling shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which such lot is located.

### **3.5.5 Yard Requirements**

- A. Yard requirements shall be set forth under each zoning district for all buildings, structures, and uses, except as may be established by the City Council and reflected on the Zoning District Map.
- B. All required yards shall be unobstructed from the ground level to the sky, except as allowed in 3.5.7. All accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.
- C. When there is a conflict between the district minimum yard requirements and the transitional buffer yard requirements, the yard requirement requiring the greater area of yard shall apply.

### **3.5.6 Setback Regulations**

No lot area lying between the building setback line and the corresponding street property line shall be used for storage of materials or equipment nor shall any hedge, tree or ornamental shrubbery be permitted in this area that will be an obstruction to the view at street intersections and no building, structure, sign, concrete masonry wall, no fence which cannot be viewed through, or other improvement shall be erected or structurally altered so that any part thereof is nearer to the established center line of the following roads and streets than the distances as set forth below.

State and county designated highways and primary thoroughfares as indicated on the official thoroughfare map of the City of Peoria: all buildings one hundred (100) feet from the centerline or twenty-five (25) feet from the right-of-way, whichever may be greater. The Zoning Administrator may reduce this requirement if a lesser setback has already been established in the immediate area, but in no event can he/she reduce the setback to less than the normal yard requirements specified in the pertinent zoning

district. Any such reduction must be accompanied by a written agreement wherein the owner of the property and his/her heirs or assigns agree to remove the structure at his/her expense and to hold the City of Peoria harmless from any expense or liability arising out of the removal or relocation of the structure if the full setback requirement or a portion thereof is needed for public improvement. Upon proper petition by the owner of property affected by the above requirements, the City Council, by majority vote, upon recommendation of the Development Review Board and appropriate state or county officials, may waive the signing of the above statement. Said petition shall show that a strict application of the terms of said agreement will impose a demonstrable hardship upon the petitioner, and that it is more likely than not that the full setback requirement stated above will not be required by the city, county or state at a future date. In no event shall the City Council reduce the setback to less than [than] the normal requirements specified in the pertinent zoning district.

### **3.5.7 Permitted Obstruction in Required Yards**

The following shall not be considered to be obstructions when located in the required yards specified. Additional standards which supersede these permitted obstructions may be applicable in the Form Districts (see 6.0, Form Districts).

#### **A. In All Yards**

1. Open terraces not over three feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch;
2. Awnings and canopies;
3. Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley;
4. Chimneys projecting two feet or less into the yard;
5. Approved free-standing signs;
6. Arbors and trellises;
7. Flagpoles;
8. Window unit air conditioners projecting not more than 24 inches into the required yard, (outside elements of central air conditioning units projecting not more than two feet into required yard);
9. Retaining walls and fences subject to applicable height restrictions of 5.4.
10. Wheelchair ramps subject to administrative approval (see 5.5.2.A).
11. Bus Benches and Shelters on properties in non-residential zoning districts, subject to 5.5.2.D.
12. Bus benches and shelters on properties in residential zoning districts, subject to review through the Special Use process 2.9.

#### **B. In Front Yards**

1. One-story bay windows projecting two feet or less into the yards; and
2. Overhanging eaves and gutters projecting two feet or less into the yard.

#### **C. In Rear Yard**

1. Open off-street parking spaces (the parking space requirements contained in 5.4, Accessory Structures and Uses shall apply);
2. Balconies;
3. Recreational and laundry drying equipment;
4. Fallout shelters;
5. Breezeways and open porches;
6. One-story bay windows projecting two feet or less into the yard; and
7. Overhanging eaves and gutters projecting two feet or less into the yard.

#### **D. In Side Yards**

1. Overhanging eaves and gutters projecting two feet or less into the yard.
2. Permitted obstructions shall not, in the aggregate, occupy more than 50 percent of the width of any required yard.

### **3.5.8 Existing Uses with Approval, Special Exceptions, and Planned Unit Developments**

Where a use has been classified by this ordinance as a use with approval or special exception or planned unit development 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 or planned unit development. Uses with approval, special exceptions, or planned unit developments 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 2.9.

## **4.0 BASE DISTRICTS**

### **4.1 GENERAL PROVISIONS**

#### **A. Map Amendment**

The following Zoning Districts are not permitted within the Heart of Peoria area, as specified in the Heart of Peoria Plan:

1. Arterial Office (O1)
2. Exclusive Office Park (O2)
3. General Commercial (C1)
4. Large Scale Commercial (C2)
5. Overlay Districts

In addition to the Base District standards, Overlay District provisions may apply (see Chapter 7.0, Overlay Districts).

### **4.2 RESIDENTIAL DISTRICTS**

#### **4.2.1 Intent Statements**

##### **A. A1 Agricultural**

The A1 Agricultural District is designed for agricultural uses on lands primarily in the outlying areas of the City, prior to development of those areas into subdivisions. When subdividing occurs, it is expected that these areas will be rezoned to a class other than agricultural, in keeping with the general plan of that portion of the City of Peoria.

##### **B. RE Estate Residential**

The RE Estate Residence District is intended to promote low density residential uses of a semi-rural character. This district is located in areas of existing large-lot development and/or in areas of natural beauty where maximum open space preservation is desired. The density shall not exceed one (1) gross dwelling unit per two (2) acres.

##### **C. R1 Single-Family Residential**

The R1 District is intended to accommodate existing large lot single-family houses in established neighborhoods at a density not to exceed two gross dwelling units per acre. The district is intended to ensure continued protection of existing development patterns and is not intended for use on additional lands within the Heart of Peoria.

##### **D. R2 Single-Family Residential**

The R2 District is intended to accommodate existing large lot single-family houses in established neighborhoods at a density not to exceed four gross dwelling units per acre. The district is intended to ensure continued protection of existing development patterns and is not intended for use on additional lands within the Heart of Peoria.

##### **E. R3 Single-Family Residential**

The R3 District is intended to accommodate existing single-family houses in established neighborhoods at a density not to exceed 7.26 gross dwelling units per acre. The district is intended to ensure continued protection of existing development patterns and is not intended for use on additional lands within the Heart of Peoria.

##### **F. R4 Single-Family Residential**

The R4 District is intended to preserve established single-family neighborhoods. The district is also intended to allow for new single-family houses on small lots in development patterns that mimic established portions of surrounding neighborhoods at a density not to exceed 11.62 gross dwelling units per acre.

##### **G. R5 Residential Cluster Development**

The R5 Residential Cluster Development District is designed to provide for alternative modes of residential development with a greater variety in type, design, and layout, while maintaining the character of an owner-occupied neighborhood. This district would allow for higher-density housing than would be permitted in a single-family residence district, but less than multi-family residential districts. The density shall not exceed 12.10 dwelling units per acre.

**H. R6 Multi-Family Residential**

The R6 District is intended to provide for a variety of housing opportunities at intensities compatible with surrounding land uses at a density not to exceed 15.02 gross dwelling units per acre.

**I. R7 Multi-Family Residential**

The R7 District is intended to provide for a variety of housing opportunities at intensities compatible with surrounding land uses at a density not to exceed 20 gross dwelling units per acre. The district is intended to encourage townhouse, garden or courtyard apartment developments.

**J. R8 Multi-Family Residential**

The R8 District is intended to provide for high density multifamily units at a density not to exceed 43 gross dwelling units per acre. This district is intended to be used primarily close to commercial districts where land has a high value and where there is the greatest concentration of people.

**4.2.2 Permitted Land Uses**

Permitted uses by zoning district are set forth in Chapter 5.0, Permitted Land Uses.

**4.2.3 Site Plan Review**

All development in the R5, R6, R7, and R8 districts is subject to the site plan review process as set forth in 2.1.3, Development Review Board.

**4.2.4 Building Envelope Standards**

Primary and accessory structures in the residential districts shall meet the applicable building envelope standards as set forth below.

**Note:** RE, R1, R2, R3, and R4 districts are subject to the Design Standards in Section 4.2.5. Where the Design Standards make no mention of a specific standard, the following table applies.

	<u>A1</u>	<u>RE</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>R5</u>	<u>R6</u>	<u>R7</u>	<u>R8</u>
<b>LOT</b>										
Density (max units/acre gross)		0.5	2.00	4.00	7.26	11.62	12.10	15.02	20.00	43.00
Area (min sq. ft.)	10 acres	87,120	21,780	10,890	6,000	3,750	7,500	7,500	7,500	7,500
Area per unit (min sq. ft.)			---	---	---	---	3,600	2,900	2,170	1,089
Width (min ft.)			80	70	40	37	22/90 <sup>(11)</sup>	---	---	---
Width, corner (min ft.)			100	95	95	---		---	---	---
Minimum Development Area (acre)							2			
<b>YARDS</b>										
<b>Principal Structure (min ft.)</b>										
Front	50	50	35 <sup>(1)</sup>	25 <sup>(1)</sup>	25 <sup>(1)</sup>	15 <sup>(1)</sup>	25	30 <sup>(1)</sup>	25 <sup>(1)</sup>	15 <sup>(1)</sup>
Side, Interior (single/total)	50	20*	12/30 <sup>(2)</sup>	8/20 <sup>(3)</sup>	5 <sup>(3)</sup>	4 <sup>(4)</sup>	0	10 <sup>(5)</sup>	6/15	6/15

<u>Side, Corner</u> <sup>(8)</sup>	<u>50</u>	<u>50</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>10</u>	<u>10</u>
<u>Rear</u>	<u>50</u>	<u>50</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>30</u>	<u>25</u>	<u>30</u>	<u>30</u>
<b><u>Accessory Structure (min ft.)</u> <sup>(10)</sup></b>										
<u>Front</u>	<u>50</u>	<u>50</u>	<u>35</u>	<u>25</u>	<u>25</u>	<u>15</u>	<u>25</u>	<u>30</u>	<u>25</u>	<u>15</u>
<u>Side, Interior (single/total)</u> <sup>(9)</sup>	<u>50</u>	<u>20</u>	<u>12/30</u>	<u>8/20</u>	<u>6</u>	<u>4</u>	<u>0</u>	<u>10</u>	<u>6</u>	<u>6</u>
<u>Side, Corner</u> <sup>(8)</sup>	<u>50</u>	<u>30</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>10</u>	<u>10</u>
<u>Rear</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u> <sup>(6)</sup>	<u>1.5</u> <sup>(6)</sup>	<u>1.5</u> <sup>(6)</sup>	<u>1.5</u> <sup>(6)</sup>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
<b><u>HEIGHT</u></b>										
<b><u>Principal Structure (max ft.)</u></b>										
<u>Height</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>45</u>	<u>45</u>	<u>75</u>
<b><u>Accessory Structure (max ft.)</u> <sup>(10)</sup></b>										
<u>Height</u>	<u>35</u> <sup>(12)</sup>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>
<b><u>TRANSITIONAL BUFFER</u></b>										
<u>Interior Side Yard (% of lot width)</u>			<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>10%</u> <sup>(7)</sup>	<u>10%</u> <sup>(7)</sup>	<u>10%</u> <sup>(7)</sup>	<u>10%</u> <sup>(7)</sup>
<u>Rear Yard (% of lot depth)</u>			<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>10%</u> <sup>(7)</sup>	<u>10%</u> <sup>(7)</sup>	<u>10%</u> <sup>(7)</sup>	<u>10%</u> <sup>(7)</sup>

(1) Or the average of the two principal structures on the adjoining parcels, whichever is less

(2) Plus one foot for each foot by which the building exceeds 35 feet.

(3) Plus one foot for each foot by which the building exceeds 25 feet.

(4) Or a total of 20% of the frontage, whichever is less, plus one foot for each foot by which the building exceeds 25 feet

(5) Or a combined 20% of the lot frontage.

(6) Minimum 5 feet required to any alley abutting the rear of the lot where doors to the structure open to the alley

(7) Min 10 ft., max 25 ft.

(8) This yard may be observed only when other lots with frontage on this side of the street in the same block do not have, or have the ability to have, a principal building fronting this street.

(9) Applicable when the accessory structure is located within a side yard area. In cases when the accessory structure is completely within the rear yard, a 1.5 ft side yard setback shall be observed.

(10) See also 5.4

(11) 22 feet or 90 feet per structure. No more than six units in a row.

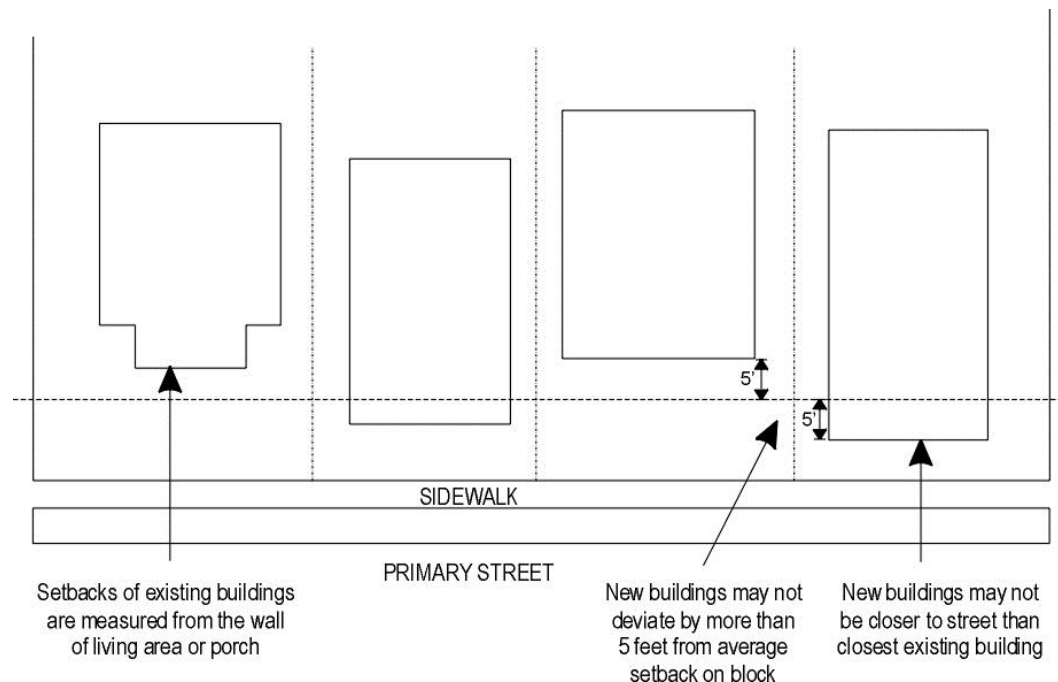
(12) Barns, shed, and silos shall not exceed 50 feet in height.

## **4.2.5 Design Standards**

The following standards apply to all new development in the RE, R1, R2, R3, and R4 Districts within the Heart of Peoria area. Outside of the Heart of Peoria area, only standards F and J of this section apply.

### **A. Setbacks**

Front and corner-side setbacks shall be established within five feet of the average of the existing setbacks on the subject residential block face. In no case shall a building be located closer to the street than the closest existing building on the residential block face. Where the existing setbacks are greater than the requirements of 4.2.4, new houses shall conform to the existing pattern.



## **B. Building Height**

1. The height of new houses and additions to existing houses shall be limited to two and one half habitable stories (two floors plus a smaller living space within the roof volume), except on block faces where the majority of houses have more than two and one half habitable stories. In such cases, new buildings shall not exceed the average number of floors of other houses (rounded up to the nearest half story).
2. Roof height and building profile for new buildings shall seek to be compatible with adjacent structures. On blocks with predominantly single-story houses, new houses shall respect this pattern. Any additional floors may occur to the rear of the house where they will be less noticeable from the street.

## **C. Porches**

1. On blocks where the majority of existing houses have front porches, new houses shall have front porches compatible with the architectural style of the house at the main entrance from the street.
2. Existing porches must be retained when houses are remodeled. Major remodeling projects for the purposes of this section shall include the following: room additions which increase the floor area of the structure by more than 50%, story additions, and roof structure removals and replacements. For houses where original porches have been removed, major remodeling projects shall include replacement of the porch, subject to Section 2.16. New porches shall be at least six feet in depth.
3. Original design of existing open porches must be maintained; no partial or full porch enclosures are allowed.

## **D. Front Entrances**

Front entrances must be prominent and oriented to the street in front of the dwelling.

## **E. Garages and Parking**

1. Detached garages and/or accessory storage structures placed in interior and corner side yards must be set back six feet from the longest plane of the primary structure's street-side façade. Detached garages and/or accessory storage structures placed in rear yards shall adhere to the applicable yard requirements in 4.2.4
2. Attached garages must be set back six feet from the longest plane of the street-side façade.

3. When a new house features an attached garage with access from the street, the garage width shall not exceed 50% of the front elevation width of the house.
4. For garages exceeding 440 square feet in area, when possible, the garage entrance must be oriented to face away from the street.
5. Curb cuts and front driveways shall not exceed the prevailing width of existing driveways on a block.

**F. Lighting**

1. Lighting must never be allowed to shine directly onto adjacent residential properties.
2. Light sources shall be shielded from adjacent properties and shall be directed towards the ground.

**G. Home Design**

1. The scale and mass of new homes or remodeled houses shall be compatible with adjacent houses.
2. New houses shall provide building materials that have the same visual appearance as other houses on the block.
3. Architectural styles shall be compatible with other architectural styles on the block.

**H. Additions**

1. When an additional story is added to an existing house, the additional story must be smaller than the lower stories. Any additions to the lower stories must be set back from the existing front wall of the house.
2. Additions shall have roofs that are compatible with the existing house and adjacent structures.
3. The materials and architectural style of additions shall be compatible with the materials and style of the existing house and adjacent structures.

**I. Conversions from Single Family Homes to Duplexes**

When a single family house is to be used as a dwelling for two families, any staircases that are added outside of the exterior of the existing structure shall only be added on the rear façade, not on façades visible from the street.

**J. Streetscape and Trees**

1. Each residential lot shall have at least one associated street tree. Where gaps in the pattern exist, new trees shall be planted from a list of City-approved species. When possible, the City of Peoria will coordinate its landscaping and streetscape improvements with consideration of these elements.
2. Trees shall be planted in the tree lawn adjacent to the sidewalk, when one exists.
3. Where local streets are greater than 28 feet wide, but tree lawns between sidewalks and the travelway do not exist, the City shall consider installing tree lawns.

## **4.3 COMMERCIAL DISTRICTS**

### **4.3.1 Intent Statements**

**A. Neighborhood Commercial (CN) and General Commercial (CG)**

The CN and CG districts are intended to reestablish the historic pattern of mixed use, pedestrian-oriented commercial corridors adjacent to residential neighborhoods by allowing for a vibrant mix of residential, retail, and commercial uses within close proximity of one another. The districts are divided into two levels, based primarily on the scale and intensity of uses allowed, and proximity to major roadways. While the districts primarily accommodate nonresidential uses, certain residential uses are encouraged in order to promote live-work and mixed used opportunities. The development standards for these districts are intended to encourage walkable, pedestrian friendly developments that are compatible with adjacent residential neighborhoods.

**1. Neighborhood Commercial (CN)**



The CN District is intended for commercial and office uses that primarily serve the immediate surrounding neighborhood. Typical uses occupy no more than 15,000 square feet of gross floor area. The district is not intended for use by major or large-scale commercial, sales, service or automotive-oriented activities. Uses in this district are intended to be located immediately abutting residential neighborhoods and should be within convenient walking distance from the neighborhoods they are designated to serve.

**2. General Commercial (CG)**

The CG District is intended for commercial, office, and employment uses located along arterial commercial corridors that serve through traffic and as well as the surrounding neighborhood. Typical centers may include anchor tenants up to 80,000 square feet in area, and common anchor uses include a full-service grocery store. Although the development standards for this district provide for walkable, pedestrian friendly uses compatible with nearby residential neighborhoods, standards should be balanced with the need to provide parking for people outside the immediate neighborhood. The district should be located in close proximity to an arterial roadway as designated on the City's Thoroughfare Plan.

**3. General Commercial (C1)**

This district is intended to provide for the majority of the existing retail and service needs of the City, excepting the downtown business districts, large-scale and bulk commercial uses, and uses which require outdoor display of material, merchandise or inventory. This district recognizes that the majority of the existing retail and service uses are located adjacent to residential land uses. The designation of a C1 District shall permit the continued existence and expansion of commercial uses, while reducing the conflict between residential and nonresidential uses.

The permitted land uses and restrictions over impact, bulk and design are structured to accommodate older shopping districts, free standing commercial establishments and small scale neighborhood centers (under one hundred thousand (100,000) square feet). The C1 District is structured to enable a wide range of retail and consumer services to be combined in either a neighborhood, community, or urban area. The district is not suitable for large-scale free standing commercial operations, wholesale, contracting sales nor the sale of bulk materials nor sale of goods requiring outside sales lots.

**B. Large Scale Commercial (C2)**

This district is designed to provide for a variety of commercial uses which share common traits of large scale and bulk commercial uses and uses which require outdoor display of materials, merchandise or inventory. These uses have the need for large expanses of land to accommodate buildings and expansive parking lots. Large-scale commercial uses have been classified by size, type of use, and the impacts that the use will have within the node [where] it is located.

The permitted land uses and restrictions over impact, bulk and design are structured to accommodate the intensive use of land for buildings and surface parking while providing open space and landscaping to reduce the environmental impact of the use and improve the aesthetic qualities.

**C. Downtown Commercial (B1)**

The B1 District is intended only for the Central Business District. It provides for those uses customarily expected to be located in an urban downtown environment such as retail, residential, governmental, office, cultural, hotel, entertainment, and ancillary uses.

**4.3.2 Permitted Land Uses**

Permitted uses by zoning district are set forth in Chapter 5.0, Permitted Land Uses.

**4.3.3 Site Plan Review**

- A. All development in the commercial districts is subject to the site plan review process as set forth in 2.1.3, Development Review Board.
- B. No building permit shall be issued or structure or building shall be erected, in any of the commercial districts, nor shall existing buildings be altered, remodeled, or enlarged or extended until the Development Review Board has approved the site plan.

#### **4.3.4 CN and CG District Building Envelope Standards**

##### **A. Applicability**

###### **1. CN District**

The CN District shall meet the building envelope standards for a Pedestrian Frontage.

###### **2. CG District**

The building envelope standards for the CG District vary based on the frontage type assigned to a specific zoning lot. Where no frontage is designated on the Zoning District Map as Pedestrian, the building envelope standards for General Frontage shall apply.

##### **B. Required Building Line (Pedestrian Frontage)**

The required building line shall be located between 0 feet and 15 feet (at the applicant's discretion) behind the right-of-way line of the designated primary or side street. Once a distance between 0 and 15 has been established by the applicant, it shall be considered the required building line.

##### **C. Maximum Setback Line (General Frontage)**

###### **1. General Frontage:**

The maximum building setback line shall be located no more than 80 feet behind the right-of-way line of the designated primary or side street. The building façade may be located anywhere between 10 feet and 80 feet (at the applicant's discretion) from the right-of-way line of the designated primary or side street. A single drive aisle serving parking spaces on one or both sides may be located between the building and the parking setback line.

##### **D. Parking Setback Line**

The parking setback line shall be located 15 feet behind any right-of-way line, and 5 feet behind any common lot line not abutting a right-of-way. Except where parking is provided below grade, vehicle parking areas on private property shall be located behind the parking setback line. This requirement shall not restrict on-street parking.

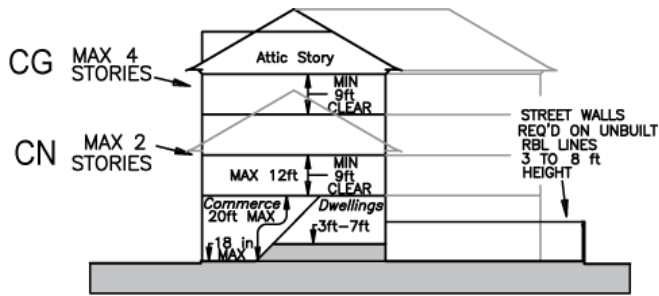
##### **E. Measuring Height**

1. The height of the principal building is measured in stories. An attic story shall not count against the maximum story height. Floor height shall be measured from the top of the finished floor below to the top of the finished floor above.

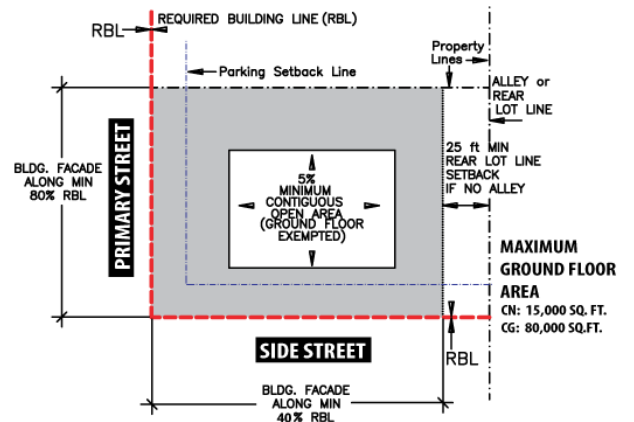
2. The minimum ground floor elevation shall be measured from the exterior sidewalk elevation at the required building line to the top of the finished ground floor.

## F. Pedestrian Frontage (CN, CG)

### HEIGHT



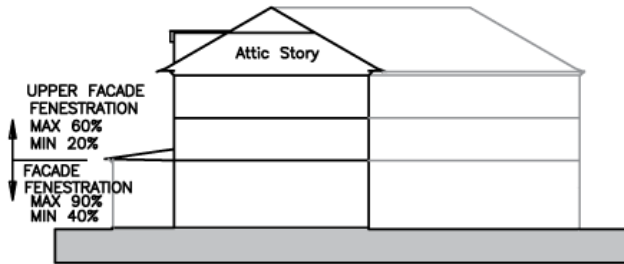
### SITING



1. **Building Height**  
A principal building shall be no greater than 2 stories.
2. **Parking Structure Height**  
Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the building's eave or parapet height.
3. **Ground Story Height: Commerce Uses**
  - a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
  - b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
  - c. The maximum story height for the ground story is 20 feet.
4. **Ground Story Height: Residential Units**
  - a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.
  - b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum story height of 17 feet.
5. **Upper Story Height**
  - a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
  - b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.
6. **Mezzanines**  
Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.
7. **Other**  
Where a site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the site shall be 32 feet.
8. **Street Façade**
  - a. On each lot the building façade shall be built to the required building line for at least 80% of the required building line length along a primary street, and 40% along any side street.
  - b. The building façade shall be built to the required building line within 30 feet of a block corner.
  - c. These portions of the building façade (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.
9. **Buildable Area**  
Buildings may occupy any portion of the lot behind the required building line, exclusive of any setbacks required by this development code. The maximum ground floor area for a building within the CN District shall be 15,000 square feet.
10. **Side Lot Setbacks**  
On a lot where a common lot line is shared with a property located within a single-family residential zoning district, the principal building shall be set back at least 10 feet from the shared lot line.
11. **Garage and Parking**
  - a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block.
  - b. Garage entries shall have a clear height of no greater than 16 feet and a clear width no greater than 24 feet.
  - c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade. These requirements are not applicable to on-street parking.
12. **Alleys**  
There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.
13. **Unbuilt Required Building Line and Common Lot Line Treatment**
  - a. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.
  - b. Where a site abuts, or, in the absence of an alley, would abut any residential zoning lot or district, one of the following options shall be provided:
    - 1) a transitional buffer yard shall be constructed per 8.2.9, or
    - 2) a garden wall, 4 to 6 feet in height, shall be constructed within 1 foot of the residential property line. If a garden wall is provided, a transitional buffer yard is not required.

## G. Pedestrian Frontage (CN, CG)

### ELEMENTS



#### 1. Windows and Doors

- Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.
- Windows and Doors on the ground story facades shall comprise at least 40%, but not more than 90%, of the facade area situated between 2 and 10 feet above the adjacent public sidewalk on which the facade fronts.
- Windows and Doors on the upper story facades shall comprise at least 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade between floor levels).

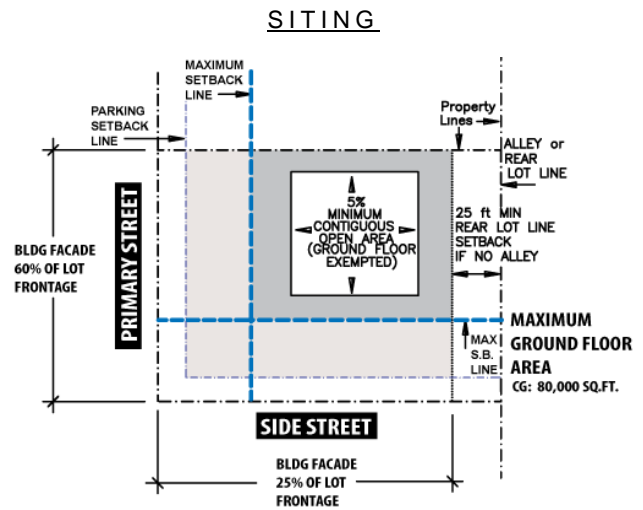
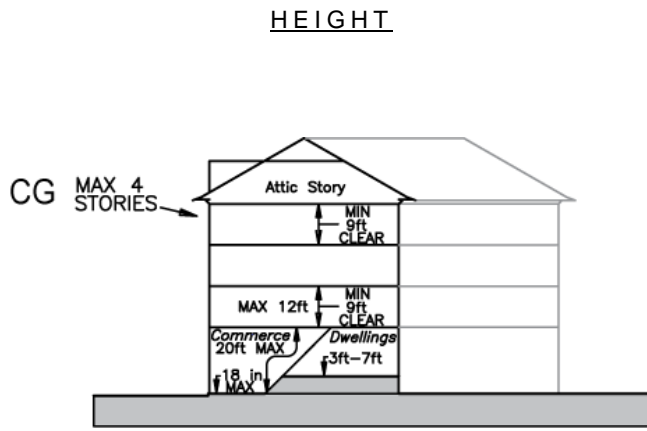
#### 2. Building Projections

- Balconies and stoops shall not project closer than 5 feet to a common lot line.
- No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified, shall encroach beyond the required building line.
- Awnings shall project a minimum of 6 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees.)
- Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.
- Awnings may have supporting posts at their outer edge provided that they:
- Have a minimum of 8 feet clear width between the facade and the support posts or columns of the awnings.
- Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the sidewalk cover columns/posts.

#### 3. Doors/Entries

- Functioning entry doors shall be provided along ground story facades at intervals not greater than 75 linear feet.

## H. General Frontage (CG)



### 1. Building Height

A principal building shall be no greater than 4 stories.

### 2. Parking Structure Height

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the building's eave or parapet height.

### 3. Ground Story Height: Residential Units

- The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the building façade.
- The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum story height of 17 feet.

### 4. Upper Story Height

- The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
- At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

### 5. Mezzanines

Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

### 6. Other

Where a site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the site shall be 32 feet.

### 7. Maximum Setback

Buildings shall be set back no more than 80 feet from a primary or side street right-of-way. The building façade may be located anywhere between 10 and 80 feet from the right-of-way (at the applicant's discretion). A single drive aisle serving parking spaces on one or both sides may be located between the building and the right-of-way.

### 8. Street Façade

On each lot, the width of the building façade shall be at least 60% of the width of the lot frontage along a primary street, and 25% along any side street.

### 9. Buildable Area

Buildings may occupy any portion of the lot behind the right-of-way line, exclusive of any setbacks required by this development code. The maximum ground floor area for a building shall be 80,000 square feet.

### 10. Side Lot Setbacks

On a lot where a common lot line is shared with a property located within a single-family residential zoning district, the principal building shall be set back at least 10 feet from the shared lot line.

### 11. Garage and Parking

- Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block.
- Garage entries shall have a clear height of no greater than 16 feet and a clear width no greater than 24 feet.
- Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade. These requirements are not applicable to on-street parking.

### 12. Alleys

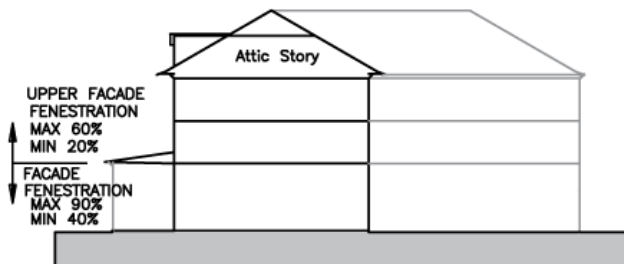
There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.

### 13. Common Lot Line Treatment

- Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.
- Where a site abuts, or, in the absence of an alley, would abut any residential zoning lot or district, one of the following options shall be provided:
  - a transitional buffer yard shall be constructed per 8.2.9, or
  - a garden wall, 4 to 6 feet in height, shall be constructed within 1 foot of the residential property line. If a garden wall is provided, a transitional buffer yard is not required.

## I. General Frontage (CG)

### ELEMENTS



#### 1. Windows and Doors

- a. Blank lengths of wall exceeding 20 linear feet are prohibited on all building façades.
- b. Windows and Doors on the ground story facades shall comprise at least 40%, but not more than 90%, of the facade area situated between 2 and 10 feet above the adjacent public sidewalk on which the facade fronts.
- c. Windows and Doors on the upper story facades shall comprise at least 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade between floor levels).

#### 2. Building Projections

- a. Balconies and stoops shall not project closer than 5 feet to a common lot line.
- b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified, shall encroach beyond the required building line.
- c. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.
- d. Awnings may have supporting posts at their outer edge provided that they:
  - e. Have a minimum of 8 feet clear width between the facade and the support posts or columns of the awnings.
  - f. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the sidewalk cover columns/posts.

**J. Additional Building Envelope Requirements**

- 1. Garden Wall and Transitional Buffer Yard**  
A Garden Wall as set forth in 4.3.4.F.13.b. and 4.3.4.H.13.b. or a Transitional Buffer Yard as set forth in 8.2.9 shall be required for all nonresidential and multifamily uses adjacent to or across the alley from an existing single-family or duplex lot.
- 2. Windows and Doors**
  - a.** In buildings with ground floor residential, office and industrial uses, translucent (not tinted or mirrored) windows may be used to meet all transparency requirements.
  - b.** No more than 50 percent of the required transparent surface area may be obstructed by product displays. For the purposes of this paragraph, obstructed shall mean placement of displays within five feet behind the glass.
- 3. Building Entrance**
  - a.** The entrance shall be operable during normal business hours.
  - b.** A minimum of 50 percent of each door shall be transparent.
  - c.** A building located on a corner lot may provide an angled entrance. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection of the two primary streets. Buildings located on corner lots shall meet all applicable intersection sight distance requirements.
  - d.** Additional entrances off another street, pedestrian area, or internal parking area are permitted.

**4.3.5 B1 District Building Envelope Standards**

- A. Dimensional Standards**  
There are no minimum lot area, width or yard requirements for the B1 District.
- B. Building Height**  
The minimum building height for the B1 District shall be two (2) stories. The maximum building height for the B1 District shall be thirteen (13) stories. For the purpose of this section, a story shall be limited to the following:

	<u>Minimum Height in Feet</u>	<u>Maximum Height in Feet</u>
<u>Ground Story</u>	<u>12</u>	<u>20</u>
<u>Upper Stories</u>	<u>9</u>	<u>12</u>
<u>Attic Story</u>	<u>9</u>	<u>12</u>
<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.</u>		

**4.3.6 C1 and C2 District Building Envelope Standards**

- A. Structures in the C1 and C2 districts shall meet the applicable building envelope standards as set forth below.**

	<u>C1</u>	<u>C2</u>
<b><u>STANDARD</u></b>		
<u>Lot area (min sq. ft.)</u>	<u>None</u>	<u>50,000</u>
<u>Lot width (min ft.)</u>	<u>None</u>	<u>None</u>
<b><u>YARDS</u></b>		
<u>Front (min ft.)</u>	<u>20 <sup>(1)</sup></u>	<u>20 <sup>(1)</sup></u>
<u>Side, Corner <sup>(2)</sup> (min ft.)</u>	<u>20</u>	<u>20</u>
<b><u>HEIGHT</u></b>		
<u>Height (max ft.)</u>	<u>35</u>	<u>45</u>

(1) Or the average setback of the two principal structures on the adjoining parcels, whichever is less.

(2) This yard may be observed only when no other lots with frontage on this street have, or have the ability to have, a building fronting on this street.

**B. Abutting Residential**

Where a lot abuts the side or rear line of a residential lot the side or rear yard shall be ten (10) percent of the lot width/length; however, no TBY shall be less than ten (10) feet nor be required to be greater than twenty-five (25) feet.

**C. Building Setback**

In the C2 District, the minimum building setbacks are required from all property lines and are [to be] a minimum width of five (5) percent of the average width or depth of the lot for the related front, rear or side property lines not to exceed a maximum of twenty (20) feet.

**4.4 OFFICE DISTRICTS**

**4.4.1 Intent Statements**

**A. O1 Arterial Office District.**

The O1 District is designed to function as an office and related employment use area along major roadway corridors. The intent is to encourage high-quality office development that serves as a transitional use between the arterial roadway and adjacent residential areas of the City.

Transition areas adjacent to residential districts and areas at or near major intersections are identified as having a significant impact on the City. This is due to the need to protect the integrity and environment of the City's residential neighborhoods, traffic safety conditions and the land use character of key intersections. Therefore, all development proposed within these districts shall be subject to site plan review and approved as specified in 2.1.3.

**B. O2 Exclusive Office Park District.**

This district is designed to function primarily as an employment district. It provides a use and design opportunity for major office related employment uses to locate within the City. The intent is to encourage the development of a campus-type office environment protected from incompatible uses.



However, the district also permits a limited amount of distribution functions which are often combined with office functions. These special uses are intended to facilitate the development of multi-tenant buildings (i.e., "Flex Tech" or "Business Park" developments) that may be suited to small business which by necessity must combine office, distribution and light processing at a single location.

#### **4.4.2 Permitted Land Uses**

Permitted uses by zoning district are set forth in Chapter 5.0, Permitted Land Uses.

#### **4.4.3 Site Plan Review**

All applications for new construction or substantial additions or changes, to any building or structure as determined by the Zoning Administrator shall be subject to the to the site plan review process as set forth in 2.1.3, Development Review Board.

#### **4.4.4 Building Envelope Standards**

Structures in the industrial districts shall meet the applicable building envelope standards as set forth below.

	<b><u>O1</u></b>	<b><u>O2</u></b>
<b><u>STANDARD</u></b>		
<u>Lot area (min sq. ft.)</u>	<u>None</u>	<u>2 acres<sup>(1)</sup></u>
<u>Lot width (min ft.)</u>	<u>None</u>	<u>None</u>
<b><u>YARDS</u></b>		
<u>Building (min ft.)</u>		
<u>Front:</u>	<u>10% of parcel depth</u>	<u>50<sup>(2)</sup></u>
<u>Interior Side:</u>	<u>10</u>	<u>30<sup>(2)</sup></u>
<u>Rear</u>	<u>20</u>	<u>30<sup>(2)</sup></u>
<u>Parking (min ft.)</u>		
<u>Front: 50<sup>(2)</sup></u>	<u>15</u>	<u>25</u>
<u>Interior Side:</u>	<u>6</u>	<u>15</u>
<u>Rear</u>	<u>10</u>	<u>15</u>
<b><u>HEIGHT</u></b>		
<u>Height (max ft.)</u>	<u>45</u>	<u>96</u>

(1) May be subdivided into smaller lots. Yard requirements shall apply to the originally platted standard lot.

(2) Plus 1 foot for each foot the building exceeds 45 feet in height

#### **4.4.5 Abutting Residential (Transitional Buffer Yards—TBY).**

Where an O1 or O2 lot abuts the side or rear lot line of a residential lot, the side or rear yard shall be ten percent (10%) of the lot width/length or ten (10) feet, whichever is greater; however no TBY shall be less than ten (10) feet nor be required to be greater than twenty-five (25) feet.

Front and corner side yards shall be the same as the adjacent residential district.

### **4.5 INDUSTRIAL DISTRICTS**

#### **4.5.1 Intent Statements**

##### **A. Industrial/Business Park (I1)**

The I1 District is intended for "clean" (low environmental impact) industrial and commercial uses that will be compatible with neighboring residential, office, and commercial districts. It is intended to accommodate warehousing, distribution, commercial light fabrication, assembly, and storage activities, as well as associated office uses and certain other uses that are incidental to the principal ones as well as certain special uses. To ensure a high-quality industrial/business park setting, strict controls will limit outdoor storage, building facades, and on-site parking lot location and design.

##### **B. Railroad/Warehouse Industrial (I2)**

This district is intended to accommodate already existing industries and warehouses that were developed parallel to the Illinois River and railroad tracks. The intent is to allow these uses to exist and to accommodate redevelopment as the market focus changes the nature of the district. Hence, standards are aimed at encouraging infill development that will maintain current block fronts, while providing for necessary parking and public improvements.

##### **C. General Industrial District (I3)**

The I3 District is intended to accommodate all forms of industrial development allowed in Peoria, including, but not limited to: warehousing, production, fabrication, assembly, and storage activities. Certain retail and other uses, that are incidental to and intended to service employees of the principal industrial uses, also are allowed as special uses.

#### **4.5.2 Permitted Land Uses**

**A.** Permitted uses by zoning district are set forth in Chapter 5.0, Permitted Land Uses. Every use of land or structures shall be operated in compliance with all applicable local, state and federal regulations including the State of Illinois Pollution Control Board rules and regulations hereby incorporated by reference.

**B.** All permitted uses within the industrial districts shall be subject to the performance standards as set forth in 4.5.7.

#### **4.5.3 Site Plan Review**

All applications for new construction or substantial additions or changes, to any building or structure as determined by the Zoning Administrator shall be subject to the to the site plan review process as set forth in 2.1.3, Development Review Board.

#### **4.5.4 Building Envelope Standards**

Structures in the industrial districts shall meet the applicable building envelope standards as set forth below.

	<b><u>I1</u></b>	<b><u>I2</u></b>	<b><u>I3</u></b>
<b><u>STANDARD</u></b>			
<u>Lot area (min sq. ft.)</u>	<u>21,780</u>	<u>none</u>	<u>none</u>
<u>Lot width (min ft.)</u>	<u>100</u>	<u>none</u>	<u>none</u>
<b><u>YARDS</u></b>			
<u>Front (min ft.)</u>	<u>25</u>	<u>Avg. <sup>(1)</sup></u>	<u>Avg. <sup>(1)</sup></u>
<u>Side, Interior (min ft.)</u>	<u>20</u>	<u>---</u>	<u>---</u>
<u>Side, Corner <sup>(2)</sup> (min ft.)</u>	<u>25</u>		
<u>Rear</u>	<u>20</u>	<u>---</u>	<u>---</u>
<b><u>PARKING</u></b>			
<u>Front (min ft.)</u>	<u>25</u>	<u>---</u>	<u>---</u>
<u>Side, Interior (min ft.)</u>	<u>10</u>	<u>---</u>	<u>---</u>
<u>Side, Corner (min ft.)</u>	<u>25</u>	<u>---</u>	<u>---</u>
<u>Rear</u>	<u>10</u>	<u>---</u>	<u>---</u>
<b><u>HEIGHT</u></b>			
<u>Height (max ft.)</u>	<u>45 <sup>(3)</sup></u>	<u>45</u>	<u>75 <sup>(4)</sup></u>

(1) Average of existing block or no setback required if no structures on block.

(2) This yard may be observed only when no other lots with frontage on this street have, or have the ability to have, a building fronting on this street.

(3) Except for chimneys, antennas, flagpoles, roof mounted electrical equipment, solar collectors, and stair and elevator penthouses none of which shall exceed 50 feet in height.

(4) Except for chimneys, antennas, flagpoles, roof mounted electrical equipment, solar collectors, and stair and elevator penthouses which shall not exceed 120 feet.

#### **4.5.5 Transitional Buffer Yard Requirements**

- A.** Nonresidential land uses abutting or across an alley from residential district shall be required to provide a minimum transitional yard equal to ten percent of the average width or depth of the lot adjacent to the residential zoning lot. Such transitional buffer yards shall extend the entire length of the abutting residential zoning district.
- B.** The minimum transitional buffer yard required for any nonresidential development shall be ten feet in width. The maximum transitional buffer yard shall be 25 feet in width.

#### **4.5.6 Limit on Outdoor Activity**

The following activity shall be prohibited in the industrial districts:

- A. In the I1 and I2 districts, any business, servicing or processing, outside of an enclosed building, except for off-street parking and loading, unless otherwise indicated hereinafter.
- B. In the I3 districts, any business, servicing or processing outside of an enclosed building, within 300 feet of a residential, commercial or form district except for off-street parking and loading.

**4.5.7 Performance Standards**

A. **Applicability**

Any use established in an industrial district after the effective date of this development code shall be so operated as to comply with the performance standards established hereafter. Any use already established on the effective date of this development code shall be permitted to be altered, enlarged, expanded, or modified, providing that the addition conforms to the performance standards established hereinafter for the district in which such use is located.

B. **Certification**

- 1. Every application for a building permit or occupancy permit within an industrial district shall have affixed to it the certificate of a registered professional engineer licensed by the State of Illinois certifying that the building or structure, and the proposed use thereof, complies with all the provisions of this development code respecting performance standards for industrial and similar uses. The Zoning Administrator shall, upon receipt and upon complete review (either by said Zoning Administrator and/or any outside technical review agency selected by the City) of such application, approve and authorize the issuance of a building permit or occupancy permit as the case may be, provided the applicant has complied with all other relevant provisions of this development code.
- 2. If the Zoning Administrator determines it desirable to have some outside technical agency review plans and application, then the applicant shall pay to the City in advance a sum sufficient to reimburse the City for such technical reviews. The Zoning Administrator may, however, withhold issuance of a building permit or occupancy permit as a result of examination of the plans or on the basis of other evidence if he determines that the proposed activity will not in fact comply with the performance standards and he shall so advise the architect or engineer in writing of such denial.
- 3. The Zoning Administrator may also obtain an injunction or other appropriate legal or equitable relief, including but not limited to specific performance, writ of mandamus or mandatory injunction, to prevent, remedy, or abate any violations which occur after a building or occupancy permit is issued, which relief shall be in addition to any ordinance prosecutions for fines only. Each day a violation exists shall be considered a separate occurrence and violation as outlined in 2.15.

C. **Performance Measures**

1. **Noise**

a. **Prohibition of Noise Pollution**

No person shall cause or allow the emission of sound beyond property lines so as to cause noise pollution or a nuisance, or so as to violate any provision of this development code.

b. **Measurement Techniques**

Test procedures to determine whether emission of sound is in conformance with this regulation shall be in substantial conformity with Standards and Recommended Practices established by the American National Standards Institute, Inc. (ANSI), and the latest revisions thereof, including ANSI S1.1-1960, ANSI S1.6-1967, ANSI S1.8-1969, ANSI S1.2-1962, ANSI S1.4-1971--Type 1 Precision, ANSI S1.11-1966 and ANSI S1.13-1971 Field Method.

c. **Sound Emitted**

Except as elsewhere provided in this development code, no use shall cause or allow the emission of sound which exceeds the allowable octave band sound pressure level specified below:

<b>PRESSURE LEVELS (db) OF SOUND EMITTED TO ANY RECEIVING:</b>				
<b>Octave Band Center Frequency (hertz)</b>	<b>Residential District from and Industrial District (Daytime Hours)<sup>1</sup></b>	<b>Residential District from and Industrial District (Nighttime Hours)<sup>1</sup></b>	<b>Business and Commercial District from an Industrial District<sup>2</sup></b>	<b>Lot from Neighboring Industrial Lots<sup>3</sup></b>
31.5	72	63	79	80
63	71	61	78	79
125	65	55	72	74
250	57	47	64	69
500	51	40	58	63
1000	45	35	52	57
2000	39	30	46	52
4000	34	25	41	48
8000	32	25	39	45

<sup>1</sup> Measured at any point within such receiving residential district, however not less than twenty-five (25) feet from such noise source.

<sup>2</sup> Includes Business (B1), Commercial (CN, CG, C1, C2), Institutional (N1), Office (O1, O2) and Parking (P1) Districts. Measured at any point within such receiving district, however not less than twenty-five (25) feet from such noise source.

<sup>3</sup> Measured at any point within such receiving residential district, however not less than thirty-five (35) feet from such noise source.

**d. Impulsive Sound**

- 1) No person shall cause or allow the emission of impulsive sound from any noise source located in an industrial district to any receiving residential or nonresidential district, except to an I2 or I3 lot, which exceeds the allowable Db(A) sound level specified below, when measured at any point within such receiving residential or nonresidential district or I lot; provided, however, that no measurement of sound levels shall be made less than 25 feet from the noise source.
- 2) Allowable Db(A) Sound Levels of Impulsive Sound Emitted from Districts to Designated Classes of Receiving Uses.

Industrial	Non Residential	Residential
61	50	45

**e. Prominent Discrete Tones**

- 1) No use shall cause or allow the emission of any prominent discrete tone from any noise source located in an I District to any other receiving district or neighboring industrial district lot; provided, however, that no measurement of one-third octave band sound pressure levels shall be made less than 25 feet from such noise source.
- 2) This rule shall not apply to prominent discrete tones having a one-third octave band sound pressure level 10 or more Db below the allowable octave band sound pressure level specified in the applicable above for the octave band which contains such one-third octave band.

**f. Exceptions**

Performance measures of 4.5.7.C shall not apply to:

- 1) Sound emitted from emergency warning devices and unregulated safety relief valves.
- 2) Sound emitted from lawn maintenance equipment and snow blowers and similar snow removal equipment used during daytime hours.
- 3) Sound emitted from equipment being used for temporary construction between the hours of 7:00 a.m. to 7:00 p.m. of each day.
- 4) Sound emitted from trucks and vehicles under the control of the property user and/or owner, except for vehicles entering and leaving the property. Examples of sound from such vehicles and trucks not either entering or leaving the premises are idling engines and trailer mounted refrigeration units.
- 5) Sound emitted from railroad facilities shall be exempt.

**2. Screening**

Any scrap, junk, salvage, reclamation or similar yard, or any auto salvage yard shall provide a solid fence or wall on all lot lines with only such openings as are necessary for ingress or egress. Said fence or wall shall be maintained in a neat and orderly appearance and shall be of such height that any materials stored within the confines of the fence cannot be seen above a line of sight established between a point four and one-half feet above the center line of the street nearest to that fence, and the top of said fence.

**4.6 INSTITUTIONAL DISTRICT**

**4.6.1 Intent Statement**

This Institutional District (N1) is designed to provide accommodations for all uses necessary for the operation of large institutional uses, including universities, colleges and hospitals. The regulations are written so as to produce a self-contained campus development, providing all of the land uses needed for the operation of the institution, and accessory uses, including off-street parking, setbacks, open areas, etc., all in accordance with an Official Development Plan adopted for the entire property within each Institutional District. Such plan shall be adopted as provided in 2.10.

**4.6.2 Permitted Land Uses**

- A.** Permitted uses by zoning district are set forth in Chapter 5.0, Permitted Land Uses.
- B.** All lawful uses in the area designated as part of the N1 district which were in existence on the effective date of this development code may be continued as a special use, until such time as an official development plan is approved for the relevant area within the district. Such uses may not be modified in any way without adoption of an official development plan for the relevant area. It is anticipated that one or more official development plans will be developed and approved for each area within the N1 District.
- C.** Subsequent to the effective date of this development code, no area not within the N1 District as of the effective date of this development code shall be designated as part of the N1 District unless such area is also designated in an approved official development plan.

**4.6.3 Site Plan Review**

All development in the N1 District shall be subject to the site plan review process as set forth in 2.1.3, Development Review Board.

**4.6.4 Building Envelope Standards**

Structures in the N1 District shall meet the applicable building envelope standards as set forth below.

**A. Yards**

1. The required yards in the N1 District shall be as follows:

<u>Standard Lot</u>	<u>Front and Corner Side Yard <sup>(1)</sup></u>	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Residential building</u>	<u>25 feet</u>	<u>5 feet</u>	<u>20 feet</u>
<u>Nonresidential building</u>	<u>25 feet</u>	<u>20 feet</u>	<u>20 feet</u>
<u>Transitional Buffer Yard Abutting Residential</u>	<u>--</u>	<u>10% of the lot width/length 10 feet min 25 max feet</u>	

<sup>(1)</sup> This yard may be observed only when no other lots with frontage on this street have, or have the ability to have, a building fronting on this street.

- 2.** 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 25 feet deep, or, if at least 50% of the block is developed on the effective date of this development code, the perimeter yard shall be the average of the existing setbacks or 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 development code.

**B. Building Height**

No building in the N1 District shall exceed 132 feet in height.

**4.6.5 Required Open Space**

- A.** Any portion of an N1 District which is within 25 feet and adjacent to a boundary of an N1 District, or a street or alley which serves as the boundary of an N1 District, shall be preserved as landscaped open space. This requirement shall not apply to any structure, or parking in existence on the effective date of this development code.
- B.** In determining the required open space no right-of-way or parking shall be included in the measurement of the required 25 feet.
- C.** After the effective date of this development code, no structure shall be erected within the required landscaped open space, and no new parking spaces shall be constructed within the required landscaped open space.

**4.6.6 Off-Street Parking and Loading**

The parking and loading requirements shall be as specified in 8.1, 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 8.1. 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 development code.

**4.7 PARKING DISTRICT**

**4.7.1 Intent Statement**

The Parking District (P1) is designed to provide off-street parking accommodations for nonresidential establishments adjacent to or across a street, or alley, from such establishments. This district is also intended to provide a transition between commercial and residential areas.

**4.7.2 Permitted Land Uses**

Permitted uses by zoning district are set forth in Chapter 5.0, Permitted Land Uses.

**4.7.3 Site Plan Review**

All development in the P1 District shall be subject to the site plan review process as set forth in 2.1.3, Development Review Board.

**4.7.4 Building Envelope Standards**

Structures in the P1 District shall meet the applicable building envelope standards as set forth below.

**A. Development Area and Width**

1. Minimum Lot Area: 3,500 square feet.
2. Minimum Lot Width: 35 feet.

**B. Yards**

The minimum yard requirements in the P1 District shall be as follows (however, in no case shall parking be allowed within a required yard):

	<u>Front and Corner Side Yard</u>	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Parking, Parking Structure or Accessory Structure</u>	<u>Equal to the yard required in the district for the adjacent residential property or in the absence of adjacent residential property the more restrictive adjacent property's yard requirements</u>		--
<u>Transitional Buffer Yard Abutting Residential</u>	--	<u>10% of the lot width/depth; 10 feet min feet max</u>	

**C. Building Height**

No structure within the P1 District shall exceed 14 feet in height, except that the height of the structure may be increased one foot above 14 feet for each foot of landscaped Transitional Buffer Yard provided.

**D. Site Design Standards**

1. Ingress to and egress from the P1 District shall, whenever possible, be via the commercial area being served by the P1 District or from a public way adjacent to said commercial area.
2. There shall be a solid continuous wall, fence or landscape screen a minimum of three and one-half feet in height separating the parking area from all yards, with openings only where required for access. Such a fence, wall or landscape screen shall also extend across the rear of the P1 District.



## **5.0 PERMITTED LAND USES**

### **5.1 GENERAL PROVISIONS**

#### **A. Approach to Categorizing Uses**

##### **1. Principal Uses**

Permitted principal uses by district are set forth in 5.2, Permitted Use Table. Permitted uses are grouped by use categories. Use categories are not zoning districts. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts. The use categories used in 5.2 are defined and listed in Section 5.6, Use Categories.

##### **2. Accessory Uses**

Permitted accessory uses are allowed by right in conjunction with a principal use as set forth in 5.4, Accessory Structures and Uses. No accessory use may be established on a site without a principal use.

#### **B. Uses Not Specifically Listed**

**1.** Specific uses are listed in Section 5.2, Permitted Use Table. Uses may be further defined in Section 5.6, Use Categories. Any principal use not specifically listed is expressly prohibited unless the Zoning Administrator determines that the use is similar to a permitted use already listed in this development code. Where the similar permitted use is subject to a use standard or special use review, the proposed use shall also be subject to such standard or approval. The Zoning Administrator shall not amend this development code by adding to or eliminating any use standard for the proposed use.

**2.** Where a use not listed is found by the Zoning Administrator not to be similar to any other permitted use, the use shall be permitted only following a text amendment. Treatment of a use not specifically listed shall be determined by the Zoning Administrator by applying the following criteria:

- a.** The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
- b.** The relative amount of site area or floor space and equipment devoted to the activity.
- c.** Relative amounts of sales from each activity.
- d.** The customer type for each activity.
- e.** The relative number of employees in each activity.
- f.** Hours of operation.
- g.** Building and site arrangement.
- h.** Types of vehicles used and their parking requirements.
- i.** The relative number of vehicle trips generated.
- j.** Signs.
- k.** How the use is advertised.
- l.** The likely impact on surrounding properties.
- m.** Whether the activity is likely to be found independent of the other activities on the site.

#### **C. Developments with Multiple Principal Uses**

**1.** When the principal uses of a development fall within different use categories, each principal use shall be classified or treated as individually and each use shall be subject to all applicable regulations for that use.

**2.** A development comprised of separate uses shall be reviewed using the most restrictive process from among the proposed uses.

*Example: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted has a special use in the district, then the entire development requires special use review.*

3. Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

## **5.2 PERMITTED USE TABLE**

### **5.2.1 Use Table Key**

**A. Use Permitted by Right (■)**

Use permitted in the respective district subject to any use standard, if applicable. Such uses are also subject to all other applicable requirements of this development code.

**B. Use Permitted through Special Use Review (□)**

Indicates a use that may be permitted in the respective district only where approved by City Council in accordance with 2.9. Special uses are subject to all other applicable requirements of this development code, including all applicable use standards, except where such use standards are expressly modified by the City Council as part of the special use approval.

**C. Use Not Permitted**

A blank cell indicates that a use is not permitted in the respective district.

**D. Use Category**

Characteristics of the various uses located in Article 5.6, Use Categories.

**E. Specific Use**

Specific use listed in the various use categories located in Article 5.6, Use Categories.

**F. Use Standard**

A cross-reference to any use standard listed in 5.3, Use Standards. Where no cross-reference is shown, no additional use standard applies.

### **5.2.2 Permitted Use Table**

USE CATEGORY	SPECIFIC USE	KEY:													Use Standard										
		A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2		N1	CN	CG	C1	C2	B1	I1	I2	I3	
<b>RESIDENTIAL</b>																									
Household Living (see 5.6.2.A)	Single-Family	■			■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	5.3.1A
	Two-Family (Duplex)				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	5.3.1A
	Townhouse						□	□	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
	Apartment									■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Upper Story Residential												■	■	■	■	■	■	■	■	■	■	■	■	
	Live-Work												■	■	■	■	■	■	■	■	■	■	■	■	5.3.1B
Group Living (see 5.6.2.B)	Boarding House, Rooming House										□	□			□	□	□	□	■						
	Children's Home										□	□	□												
	Assisted Living Facility	□		□	□	□	□	□	□	□	□	□	□		■	□	□	□	□	□					
	Fraternity, Sorority, Student Dormitory														□										
	Family Care Facility	□■		□■	□■	□■	□■	□■	□■	□■	□■	□■	□■												5.3.1C
	Group Care Facility	□		□	□	□	□	□	□	□	□	□	□	■	■										5.3.1C
Monastery, Convent	□		□	□	□	□	□	□	□	□	□	□			□	□			□						
<b>CIVIC</b>																									
Community Service (see 5.6.3.A)	Museum, Library				□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	■	■	
	Neighborhood Arts Center or Similar Community Facility (public)				□	□	□	□	□	□	□	□			■	■	■	■	■	■	■	■	■	■	
	Philanthropic Institution														■	■	■	■	■	■	■	■	■	■	
	Police, Fire, EMS Substation	□		□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	
Day Care (see 5.6.3.B)	All day care, except as listed below:				□	□	□	□	□	□	□	□			■	■	■	■	■	■	■	■	■		
	Child Care Home (up to 8 children)	■		■	■	■	■	■	■	■	■	■	■											5.3.2A	
	Day Care Center (8+ children)	□		□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	5.3.2B	
Drop-in Child Care Center														■	■	■	■	■	■	■	■	■	■		
Educational Facility (see 5.6.3.C)	All educational facilities, except as listed below:	□		□	□	□	□	□	□	□	□	□			■	□	□	□	□	□	□	□	□		
	Academy (special training)														■	■	■	■	■	■	■	■	■		
	College, Community College, University														■	■	■	■	■	■	■	■	■		
	Job Training, Vocational Rehabilitation Service														■	■	■	■	■	■	■	■	■		
	School, Vocational, Business														■	■	■	■	■	■	■	■	■		
School, Trade, no heavy equipment or truck operators														■	■	■	■	■	■	■	■	■			
Medical Facility (see 5.6.3.D)	All medical facilities, except as listed below:														■	■	■	■	■	■	■	■	■		
	Hospital, Medical Center														■	■	■	■	■	■	■	■	■		
	Medical or Dental Laboratory													■	■	■	■	■	■	■	■	■	■		
	Medical or Dental Clinic, Rehabilitative Clinic													■	■	■	■	■	■	■	■	■	■		
Medical, Dental Office or Chiropractor														■	■	■	■	■	■	■	■	■			
Parks and Open Area (see 5.6.3.E)	All parks and open areas, except as listed below:	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Cemetery, Mausoleum, Columbarium, Memorial Park	□		□	□	□	□	□	□	□	□	□	□		□	□	□	□	□	□	□	□	□	5.3.2E.	
	Game Preserve, Wildlife Management Area, Refuge, Animal Sanctuary	■		□	□	□	□	□	□	□	□	□	□			□	□	□	□		□	□	□		
	Parks - Active Recreation	□■		□■	□■	□■	□■	□■	□■	□■	□■	□■	□■	■	■	■	■	■	■	■	■	■	■	■	5.3.2E.
Passenger Terminal (see 5.6.3.F)	Airport, Heliport																					□	■	■	
	Bus, Train Passenger Terminal																		□	□	■	■	■	■	
	Bus Transfer Station													■	■	■	■	■	■	■	■	■	■		
	Taxicab Dispatch Station, Limousine Service, Charter Service												□	□		□	□	□	■	■	■	■	■		
Place of Worship (see 5.6.3.G)	All places of worship	□		□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	■		
Social Service Institution (see 5.6.3.H)	Outpatient Treatment Facility, Recovery Home, Residential Treatment Facility														□	□	□	□	□	■	■	■	■		
	Halfway House														□	□	□	□	□	□	□	□	□		
	Psychiatric Institution, Sanatorium														■						■	□	□		
	Single Room Occupancy														□	□	□	□	□	■	□	□	□		
	Social Service Facility, Soup kitchen, Transient Lodging or Shelter for the Homeless																				□	□	□		
Utilities (see 5.6.3.I)	All minor utilities	□		□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	■	5.3.2C	
	All major utilities																					□	□	□	
	Wireless Communication Facility																							see 5.3.2D	
<b>COMMERCIAL</b>																									
Indoor Recreation (see 5.6.4.A)	All indoor recreation, except as listed below:														□	■	■	■	■	■	■	■	■		
	Auditorium, arena, stadium (indoor)																		□	□	■	□	□	□	
	Convention Center																			■					
	Indoor Shooting Range																			□	□	□	□	□	
Office (see 5.6.4.B)	All offices														■	■	■	■	■	■	■	■	■		
Outdoor Recreation (see 5.6.4.C)	All outdoor recreation, except as listed below:	□		□	□	□	□	□	□	□	□	□	□												
	Outdoor Shooting Range																					□	□		
	Stadium or Arena, Commercial Amphitheater																					□	□	■	
Overnight Lodging (see 5.6.4.D)	Bed and Breakfast				□	□	□	□	□	□	□	□			■	■	■	■	■	■	■	■	■	5.3.3B	
	Hotel, Motel, Inn, Extended Stay Facility														■	■	□	□	■	□	■	■	■		
	Youth Hostel																		□	□	■	■	■		
Parking, Commercial (see 5.6.4.E)	Independent commercial parking			■																					
Restaurant (see 5.6.4.F)	All restaurants, except as listed below:																					■	■		
	Restaurant, Drive-in																					■	■		

USE CATEGORY	SPECIFIC USE	KEY:																	Use Standard						
		A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	N1	CN	CG	C1		C2	B1	I1	I2	I3	
<b>COMMERCIAL (CONT.)</b>																									
<b>Retail Sales and Service</b> (see 5.6.4.G)	All retail sales and service, except as listed below:														■	■	■	■	■	■	■	■	■	■	
	Animal Hospital, Veterinary Clinic, Pet Clinic													■	■		■	■	■	■	■	■	■	■	5.3.3A
	Animal Boarding, Animal Shelter, Kennel, Doggy Day Care																■	■	■	■	■	■	■	■	5.3.3A
	Art or photo studio, gallery						□	□	□	□	□	■	■				■	■	■	■	■	■	■	■	
	Medical Cannabis Dispensary															□	□	□	□	□	■	■	■	■	
	Convenience Cash Businesses																■	■	■	■	■	■	■	■	5.3.3H
	Convenience store with gas pumps, Gas station																■	■	■	■	■	■	■	■	5.3.3C
	Convenience store without gas pumps																	■	■	■	■	■	■	■	■
	Farmers Market															■	■	■	■	■	■	■	■	■	5.3.3D
	Funeral Home or Mortuary, Undertaking Establishment	□		□	□	□	□	□	□	□	□	□	■	■			■	■	■	■	■	■	■	■	
	Greenhouse or Nursery, Commercial	□																■	■		■	■	■	■	
	Manufactured housing sales																					■	■	■	
	Microbrewery/Craft Distillery																	■	■	■	■	■	■	■	5.3.3I
	Neighborhood Store (existing)				□	□	□	□	□	□	□	□													5.3.3E
	Post Office							□		□	□	□					■	■	■	■	■	■	■	■	
	Pawnshop																	■	■	■	■	■	■	■	
	School for the Arts	□		□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	
Shopping Center																■	■	■	■					5.3.3J	
Tattoo, Palmist, Psychic or Medium, Massage parlor																□			■	■	■	■	■		
Vehicle parts and accessories																	■	■	■	■	■	■	■		
<b>Self-Service Storage</b> (see 5.6.4.H)	Warehouse, self-service, mini-storage																	□		■	■	■	■	5.3.3F	
	Warehouse, indoor multi-story																	■	■	■	■	■	■	■	5.3.3F
<b>Vehicle Sales and Service</b> (see 5.6.4.I)	All Vehicle Sales & Service, except as listed below:														□		□	□	■	■	■	■	■	5.3.3G	
	Full- or Self-Service Vehicle Wash																■	□	□	■	■	■	■	5.3.3G	
	All Vehicle Repair																■	□	■	■	■	■	■	5.3.3G	
<b>Water-Oriented</b> (see 5.6.4.J)	Boat livery																								
<b>Wholesale Trade</b> (see 5.6.5.A)	All wholesale trade																		□	■	■	■	■		
	Wholesale display																								
	Beverage Manufacturing and/or Bottling Plant																				□	■	■		
<b>Light Industrial</b> (see 5.6.5.B)	Medical Cannabis Cultivation Center																				□	□	□		
	Crematorium	□																	□		□	■	■		
	Laundry, dry-cleaning and carpet cleaning plants																				□	■	■		
	Trade School, Heavy Equipment & Truck Operator																		□		□	■	■		
<b>Warehouse &amp; Distribution</b> (see 5.6.5.C)	All warehouse and distribution, except as listed below:																				■	■	■		
	Medical Cannabis Cultivation Center																				□	□	□		
	Cartage and Express Facility																				□	■	■		
<b>Heavy Industrial</b> (see 5.6.5.D)	All heavy industrial, except as listed below:																							■	
	Abrasive Manufacture																							□	
	Bakery - Manufacturing/Processing and Retail																					■	■	■	
	Canned Preserved Fruits and Vegetables Processing																					■	■	■	
	Chemical Processing and Manufacturing																							□	
	Cosmetics Production																				□	■	■		
	Food Packaging and Processing																				□	■	■		
	Foundry and Forge Plant																							□	
	Graphite Product Manufacturing																							□	
	Gypsum Manufacturing																							□	
	Junk Yard & Auto Graveyard																							□	
	Meat Processing, Packaging - No Slaughtering																					□	■		
	Meat Processing, Packaging & Slaughtering																							□	
	Miscellaneous Food Processing/Manufacturing - No Grain																					□	■	■	
	Paint Product Manufacture																							□	
	Petroleum Products Storage and Processing																							□	
	Rubber Processing																							□	
Scrap Metal Processing & Recycling																							□		
Soap Manufacturing																						□	■		
Steel Manufacturing																							□		
Towing and Impound Lot																					□	■	■		
<b>Waste-Related Services</b> (see 5.6.5.E)	All waste related services, except as listed below:																							□	
	Recycling Drop-off Facility															□	□	□	□	□	■	■	■		
	Solid or Liquid Waste Transfer Station																					□	■		

SPECIFIC USE	KEY:													Blank cell = Not Permitted										■ = Permitted	□ = Special Use
	A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	N1	CN	CG	C1	C2	B1	I1	I2	I3	Use Standard		
All agriculture	■																								
Commercial Fishing	■																								
Crop, soil preparation, agricultural services, large animal and veterinary services	■																								
Farm labor and management services	■																								
Fish hatcheries and preserves	■																								
Grain Storage and Processing	■																								
Hunting, trapping and game propagation	■																								
Livestock, horse, dairy, poultry and egg products	■																								
Timber tracts, forest nursery gathering of forest products	■																								
Winery (processing not permitted)	■																								
All resource extraction																								■	
Dredging, earth extraction, clearing or grading (timber cutting)																									
Metal, sand stone, gravel clay, mining and other related processing																									

## **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).

### **5.3.2 Civic Use Standards**

#### **A. Child Care Home**

Child care homes shall be approved through administrative approval (See 2.5.9) by the Zoning Administrator as long as they find all of the following standards are met:

##### **1. Outdoor Play Area**

Every child care home shall have outdoor open space for a play area which shall be completely enclosed by a fence or other suitable barrier sufficient to prevent access to children to neighboring properties traffic or other hazards. A fence or barrier previously erected by a neighboring property owner shall not be relied upon to satisfy this requirement unless a written agreement of such owner authorizing such use is filed with the Zoning Administrator. Off site open space for a play area may be substituted for on site open space provided that the substitution conforms to all applicable state and local statutes, ordinances and regulations.

##### **2. Recreational Devices**

No recreational device shall be located within the required side yard of a lot abutting residential property.

#### **B. Day Care Center**

A day care center shall not be housed in an accessory structure.

#### **C. Minor Utilities**

- 1.** The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, of overhead, surface or underground gas, electric, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such for the public health, safety, or general welfare, shall be exempt from the regulations of this development, except for the following:

- a.** The installation shall conform to Federal Communications and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

- b.** Landscaping, screening and yard requirements for the buildings and structures shall be determined by the Development Review Board and location within a Transitional Buffer Yard must be approved by the Zoning Administrator pursuant to the alternative compliance process.

- 2.** The installation shall not be exempt from the regulations of the Historic Preservation Board when such installation is constructed within the area of jurisdiction of the Historic Preservation Board.

#### **D. Wireless Telecommunication Facility**

##### **1. Overall Policy and Desired Goals for Special Use Permits and Administrative Review for Wireless Telecommunications Facilities**

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities is consistent with the City's health, safety, public welfare, environmental features, and protecting the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, while also enabling the provision of the wireless services that the community relies upon, the City hereby adopts an overall policy with respect to a Special Use Permit

and Administrative Review for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- a. Striking a balance between the interests of the telecommunication service providers, the consumers of those services and the City of Peoria.
- b. Promoting and encouraging, wherever possible, the sharing and/or collocation of Wireless Telecommunications Facilities among service providers to minimize the need to construct new telecommunication structures.
- c. Minimizing adverse visual impacts of telecommunication installations through careful design, siting, landscape screening and innovative camouflage techniques.
- d. Encourage the location of telecommunication installations in non-residential areas.
- e. Create clear, fair, and objective approval criteria for towers and accessory structures.
- f. Avoid potential damage to property caused by towers and telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, located, and removed when no longer used or determined to be structurally unsound.

## **2. Applicability**

- a. Except as otherwise provided by this Ordinance, the regulations of 5.3.2 D shall apply to all telecommunication installations in the City of Peoria.
- b. The following shall be exempt from this Ordinance:
  - 1) The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
  - 2) Over-the-Air reception devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that are less than one (1) meter in diameter in residential districts and less than two (2) meters in diameter in nonresidential districts and receive and transmit fixed wireless signals that are primarily used for reception.
  - 3) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications; with an antenna height not exceeding district height limitations by more than ten (10) feet.
  - 4) Facilities exclusively for providing unlicensed spread spectrum technologies (such as Wi-Fi and Bluetooth) where the facility does not require a new tower or increase in height of the existing tower.
  - 5) All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any increase in tower height or area of the tower facilities will require the complete facility and any new installation to comply with this Ordinance.
  - 6) Repair and replacement of telecommunication equipment located in an equipment cabinet or building and replacement of exterior telecommunication equipment or antennas with components that are similar in size, appearance, and number, and located within the existing boundary of the wireless facility.
- c. Co-location on existing towers or other structures. The City, as opposed to the construction of a new tower, shall prefer locating on existing towers or other structures. The City shall encourage such use by permitting collocations, which results in a height increase of less than ten (10) percent of the existing support structure. An application, pursuant to 5.3.2.D.3 below, for administrative review through the Development Review Board is required for an increase in the height of the structure and/or an increase in the boundary of the equipment compound.



Only one administrative approval may be granted for a height increase not to exceed ten (10) percent. Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

- d. Telecommunication installations which are not exempt or co-locations, shall require a Special Use approval and are subject to the provisions and procedures of 2.9 Special Uses of this Ordinance.

### **3. Application Process**

Applications shall include the following:

- a. There shall be a pre-application meeting with Zoning Administrator and/or designee. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting may also include a site visit.
- b. If proposed on a city-owned site, a lease agreement.
- c. Site plan drawn to scale showing the location of the telecommunications facility in relation to surrounding structures.
- d. If co-locations, a written report addressing the construction specifications and a structural analysis.
- e. Building elevations and floor plans for installation of the wireless equipment facility.
- f. Required application fee as stated in 2.14 Fees.
- g. Scaled architectural drawing of the tower and or antenna installations. If a new tower, the applicant shall furnish pictorial representations of "before and after" (photo simulations) views from key viewpoints visible to a large number of visitors, travelers or residents including adjacent streets. The key viewpoints will be mutually agreed upon at the pre-application meeting. The applicant shall provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
- h. A landscape plan drawn to scale showing the size, number, and type of planting, and fencing for the proposed site.
- i. If a new tower, a list of applicant's existing telecommunication installations located in the City of Peoria and within two miles of the city limits shall be provided. This list should identify the location, height and design of each installation. This list may be shared with other applicants applying to construct, install or alter telecommunication facilities.
- j. The applicant must provide documentation to verify it has the right to proceed as proposed on the site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. In addition, the application must also be signed by the owner of the property upon which the tower or antenna is to be located, giving authorization of the Special Use application. If the applicant owns the site, a copy of the ownership record is required.
- k. The applicant shall include a statement in writing:
  - 1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations.
- l. For a new Wireless Telecommunications Facilities, the applicant must demonstrate that no existing tower or alternative tower structure can accommodate their proposed antenna. This shall include the following information. In evaluating such circumstances, the City may employ the services

of a consulting expert, the expense of which shall be compensated to the city by the applicant as stated in Section 5.3.2.D.6.

- 1) Copies of written requests and responses for shared use shall be provided to the City in the application, along with any letters of rejection stating the reason for rejection.
- 2) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements.
- 3) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City.

#### **4. Installation Criteria**

All new towers and co-locations must adhere to the following:

- a. Tower and antenna Location. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, (I) being the highest priority and (V) being the lowest priority:
  - 1) On existing towers or other structures on publicly owned properties or other property in the City;
  - 2) A new tower on properties in areas zoned for Industrial and Institutional Use or publicly-owned properties;
  - 3) A new tower on properties in areas zoned for commercial, office, central business district, and parking use;
  - 4) A new tower on properties in areas zoned for Agricultural Use;
  - 5) A new tower on properties in areas zoned for Residential Use.

If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the City why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation shall not be a valid basis for any claim of Commercial Impracticability or hardship.

Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site meets the standards for a Special Use as noted in Section 2.15.h and is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an application for any of the following reasons:

- 1) Conflict with safety and safety-related codes and requirements;
- 2) Conflict with the historic nature or character of a neighborhood or historical district;

- 3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;**
- 4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;**
- 5) Conflicts with the provisions of this Ordinance.**
- b. Tower and Antenna Height. No tower, other than alternative tower structures, shall exceed 180 feet in height. No antenna or other telecommunication devise shall extend more than 20 feet above the highest point of the tower or alternative tower structure (e.g., building, water tower, electric pole etc.). Tower height shall be measured from the ground level to the highest point of the tower.**
- c. Setbacks. All proposed towers and any other proposed Wireless Telecommunications Facility structures, except those located adjacent to residential properties, shall comply with the setback provisions for principal building structure of the zoning district in which they are located. Towers and any other proposed Wireless Telecommunications Facility structures which are adjacent to residential properties must be setback a minimum of 50 feet from the common lot line. In no instance shall a tower or accessory structure be less than ten (10) feet from any property line.**
- d. Tower and Antenna Design. Towers and antennae shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Zoning Administrator and/or designee to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance. The utilization of stealth or concealment designs may be required by the City to further harmonize with the surrounding neighborhood.**
- e. Lighting. No tower or antenna shall be artificially illuminated unless required by the FAA. If lighting is required, applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.**
- f. Signs. Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.**
- g. Accessory Building/Structure Design. When provided, equipment facilities and accessory buildings shall be designed with brick, stone, and/or decorative block materials and reflect the design of buildings within the surrounding area.**
- h. Equipment Facility Enclosure. An equipment facility enclosure is required and must be constructed masonry, brick, or aluminum fence materials. Type and color of fence material must be compatible with the existing character of the site and neighborhood. Fence enclosures must be solid in design, and a minimum of 6 feet and maximum of 8 feet in height, as needed to effectively screen the equipment.**
- i. Landscaping. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view, by a combination of required enclosure (fence or wall) and landscaping, the base and all related equipment and**

structures of the proposed Wireless Telecommunications Facility or collocation of antennas. Equipment shelters shall be landscaped and maintained with a buffer of plant materials that screens the view of the shelter from adjacent street and/or residential properties. The standard buffer shall consist of a planted area at least ten (10) feet wide outside the perimeter of the fence surrounding the equipment shelter.

- j.** **Building Codes and Safety Standards.** All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the city, state, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

- k.** In the case of a new tower, the applicant shall be required to

- 1)** Examine the feasibility of designing the proposed tower to accommodate future demand for at least four (4) additional commercial applications, with Antenna Arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
  - (i)** The foreseeable number of FCC licenses available for the area;
  - (ii)** The kind of Wireless Telecommunications Facilities site and structure proposed;
  - (iii)** The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
  - (iv)** Available space on existing and approved towers.
- 2)** The owner of a proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other Wireless service providers in the future, and shall:
  - (i)** Respond within 60 days to a request for information from a potential shared-use applicant.
  - (ii)** Negotiate in good faith concerning future requests for shared use of the new tower by other Telecommunications providers.
  - (iii)** Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.

- (iv) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit following a review by the City Manager or designee.
- l. All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.
- m. At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. All road use for ingress or egress to the wireless telecommunications facility must be constructed of a hard surface. Gravel is prohibited.
- n. A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- o. The holder of a Special Use Permit shall notify the Zoning Administrator of any intended modification of a Wireless Telecommunication Facility and shall apply to the Zoning Administrator to modify, relocate or rebuild a Wireless Telecommunications Facility. Such modification shall be processed as an amendment to the Telecommunications Special Use according to the requirements of 2.9 Special Uses of this Ordinance.
- 5. Security of Wireless Telecommunications Facilities**  
All Wireless Telecommunications Facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. A description of proposed security measures shall be provided as part of any application to site, construct, install or modify installations. Additional measure may be required as a condition of the issuance of any building permit as deemed necessary by the city.
- 6. Retention of Expert Assistance and Reimbursement by Applicant**  
The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections, the expense for which shall be compensated to the City by the applicant.
- 7. Public Hearing and Notification Requirements for Special Use permits**
  - a. 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 2.9 of this Ordinance.
  - b. There shall be no Public Hearing required for an application to collocate on an existing tower or other structure or a modification at an existing site, where the height increase is less than ten (10) percent of the existing tower or support structure. Administrative review of the proposed collocation or modification shall be conducted by the Development Review Board upon receipt of a complete application and application fee.
  - c. The City shall schedule the Public Hearing referred to in subsection (1) of this section once it finds the Application is complete, the City, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary.
- 8. Action on an Application for a Special Use Permit or Administrative Review for Wireless Telecommunications Facilities**

- a. The City may refer any Application or part thereof to any advisory, other committee or commission for a non-binding recommendation.
- b. After the Public Hearing and after formally considering the Application, the City may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the Permit shall always be upon the applicant.

**9. Performance Security**

The applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$25,000.00 for a tower facility and \$10,000.00 for a collocation on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance including but not limited to removal of the tower facility and antennae as required per 5.3.2.D.13. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.

**10. Reservation of Authority to Inspect Wireless Telecommunications Facilities**

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, Ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

**11. Liability Insurance**

- a. A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below:
  - 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate;
  - 2) Automobile Coverage: \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate;
  - 3) Workers Compensation and Disability: Statutory amounts.
- b. For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- c. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- d. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- e. Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

- f. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Special Use Permit, the holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

## **12. Indemnification**

- a. Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- b. Notwithstanding the requirements noted in subsection (1) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

## **13. Removal of Wireless Telecommunications Facilities**

- a. Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities:
  - 1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety (90) consecutive days or a total of one hundred-eighty (180) consecutive days in any three hundred sixty-five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within ninety (90) days;
  - 2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair as determined by an inspection and engineering analysis that it creates a health or safety hazard;
  - 3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization and the Permit may be revoked if not cured within ninety (90) consecutive days.
- b. Upon notification, the owner and operator of such tower shall remove it from the telecommunications facility within ninety (90) days. If the owner fails to remove the antenna, tower, or any other structure within that time, the City may remove the antenna, tower or any other structure at the owner's and operator's expense. In the event that the cost of removals is not paid, the City may assess the cost of such removal against the property upon which the telecommunications facility is located.
- c. Whenever a tower is removed from a telecommunications facility, the remainder of the site shall be restored to its pre-existing conditions and all building,

equipment and other devices accessory to the tower shall be removed from the site.

**14. Relief**

- a.** Any applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such, provided that the relief or exemption is contained in the submitted Application for either a Special Use or Administrative Permit, or in the case of an existing or previously granted Special Use or Administrative Permit a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the City, its residents and other service providers.

**15. Enforcement**

Any person who violates any provision of the section shall be subject to a penalty as detailed in 2.15 of this code. If a violation is not corrected to the satisfaction of the City in a reasonable period of time, the Special Use or Administrative Permit is subject to revocation.

**16. Adherence to State and/or Federal Rules and Regulations**

- a.** To the extent that the holder of a Special Use or Administrative Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use or Administrative Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- b.** To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use or Administrative Permit for Wireless Telecommunications Facilities, then the holder of such a Special Use or Administrative Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

**E. Parks and Open Spaces**

- 1.** Passive recreational parks shall be approved through the administrative approval process (See 2.5) by the Zoning Administrator, as long as all of the following standards are met:
- a.** The park does not include any activities which may have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor.
- b.** Any proposed structures are in compliance with the zoning district bulk regulations.
- c.** The park does not include any off-street accessory parking lots.
- d.** The park is less than 10 acres in size.
- e.** Parks that do not meet the above standards for administrative approval shall be approved through the Special Use approval procedures (see 2.9).
- 2.** Active recreational parks are subject to the following approval process:
- a.** Applications for active recreation parks are subject to Development Review Board approval. Site plans must show all site features, including but not limited to, location of structures or activities, lighting, fencing, and parking.



- b. For active recreation parks located in a residential zoning district, the Zoning Administrator shall mail notices of the proposed active recreation park to all properties within 250 feet of the proposed park. The notice shall state that the preliminary approval granted shall become final if no interested party files a written objection to the requested park within ten days of the date of the notice. All written objections must state the basis for the objection to the requested active recreation park.
- c. In the event the owner or occupant of any property located within 250 feet of the subject property files a written objection to the proposed active recreation park with the Zoning Administrator within the allowed time, the active recreation park shall not receive final approval and will then be subject to Special Use process, as outlined in Section 2.9. A separate application for a special use would then be required.

### **G. Community Gardens**

Community gardens have been found to be a viable use of vacant land for the cultivation of crops by community groups and individuals. The purpose of this ordinance is to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.

1. Community Gardens shall not require zoning approval; however, the following performance standards apply:
  - a. Approval: Consent of the property owner is required.
  - b. Size: Community gardens shall be limited to 2 acres or less.
  - c. Setbacks: Planting area and accessory structures must meet the applicable district setback requirements.
  - d. Accessory structures: Accessory structures/storage structures including trellises, raised planting beds, benches, covered trash receptacles, hoop houses limited to 3' in width and 3' in height, one greenhouse (limited to 120 sq. ft.), one seasonal farm stand (limited to 120 sq. ft.), and one storage shed (limited to 120 sq. ft.) shall be permitted on the site. Accessory structures must meet the applicable district setback requirements. Hoophouses shall not be placed on the garden site before March 1st of each year and must be taken down by June 1st. Accessory structures and storage buildings may not occupy more than 10% of the community garden site.
  - e. Fences: Fences shall not exceed 4' in height, shall be 50% open in design, and shall meet the same required setbacks as the planting area. If the community garden use is abandoned, the fence must be removed.
  - f. Signage: One (1) non-illuminated sign not exceeding four (4) square feet in area and five (5) feet in height shall be permitted. The sign face shall be located parallel to the front property line and shall not be located in the front yard area. The content of the sign shall be limited to identification of the site as a community garden, sponsorship contact information and rules/guidelines for the community garden.
  - g. Composting: Must be in an enclosed container, limited only to the materials generated on site and must be used on site.
  - h. Animals or livestock or bees: The keeping of animals, livestock, or bees is prohibited.
  - i. Maintenance: The garden shall be properly maintained throughout the year with weekly mowing of grassy areas, weekly removal of weeds and grasses from the garden, weekly collection of rotting vegetables and fruit from the garden area, and weekly collection of all garbage and debris deposited on the site. At the end of each growing season annual vegetation shall be cut down to a height of not more than 6 inches above ground level.

### **5.3.3 Commercial Use Standards**

#### **A. Animal Care, Boarding, Shelter, Doggy Day Care**

In the CN, CG and B1 districts, no outdoor runs shall be permitted. All overnight care of animals shall occur indoors. All pens, kennels and runs shall be located within an enclosed building.

#### **B. Bed and Breakfast**

No bed and breakfast establishment shall be granted unless the following standards are met:

1. Signage shall not exceed twelve inches by twelve inches.
2. If the proposed site is located within a recognized local, state, or national historic district or if the residence has been designated a landmark structure, then the owner shall maintain the structure as required or bring the structure up to historic compliance.
3. Parking shall be in accordance with 8.1. The parking shall be on existing paved surfaces or inside garages, as provided prior to the application for the special use. In addition, the required parking does not have to be independently maneuverable. Parking anywhere other than the provided off-street parking from midnight to 6:00 a.m. is prohibited.
4. The bed and breakfast establishment must obtain all necessary permits as required by the health department, historic preservation commission, City of Peoria, and State of Illinois.
5. In addition to 2.9.13, the special use for a bed and breakfast establishment can be revoked if in violation of the above requirements.

#### **C. Convenience Store with Gas Pumps, Gas Station**

##### 1. General Provisions

- a. The primary building, including the full canopy, shall conform to all building envelope standards.
- b. Gasoline pumps, tanks, vents and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
- c. No sign of any type or any gasoline pump or tank shall be located within 20 feet of residential district.
- d. Where the facility is adjacent to any residential district, there shall be a 100 percent opaque eight-foot high visual barrier or screen on the property line abutting the residential zoning lot, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
- e. Freestanding vents shall not be permitted.

##### 2. Fuel Canopies

- a. The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
- b. The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.
- c. The canopy shall be constructed of building materials consistent with that of the principal building, including the roof.
- d. The canopy shall be integrated structurally and architecturally into the design of the principal building and shall be complementary to the overall color scheme of the building façade from which it projects.
- e. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

##### 3. Single-Bay Automatic Car Wash

An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

- a. The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way. The car wash structure shall be located no closer than 50 feet to any side or rear property line adjacent to residential zoning lot.

- b. The car wash structure shall meet all applicable building envelope standards and shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
- c. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- d. The doors of the car wash building shall be architecturally compatible with the car wash building and shall be fully closed when the facility is not in operation.
- e. The car wash structure shall be located behind the rear building line of the principal building.
- f. The car wash structure shall be sited so as to discourage direct street view of the facility. Direct street access is permissible only when appropriate landscaped areas such as, but not limited to, planter islands or other landscaped features are used to screen from street view.
- g. The car wash facility shall not operate before 6 AM or after 10 PM.

**D. Farmers Market**

- 1. The sales area shall be located in an area that will not disrupt the flow of traffic onto and off the site or obstruct any handicap access or parking. The market may be permitted on vacant or unimproved land or accessory to any legally permitted use
- 2. The market shall conform to all applicable rules and regulations governing farmers markets.
- 3. The market shall be limited to the sale of products which are the result of the practice of the agricultural arts by a producer upon land the producer controls, by the producer, the producer's employees or the producer's immediate family. In addition, a producer may sell products produced by not more than two other producers.
- 4. The market shall be limited in days and hours of operation so as to not interfere with the surrounding land uses.
- 5. Both temporary and/or permanent structures are allowed.
- 6. Development Review Board approval is not required, however; all other applicable permits are required.

**E. Neighborhood Store**

**1. Purpose**

There exists in the City of Peoria today, primarily south of Forrest Hill Avenue, a number of buildings that were built from 1900 to 1950. They were designed and intended for walking-scale, neighborhood-oriented retail use and services. Many of these buildings are currently zoned residential. Efforts to find appropriate uses in harmony with the surrounding residential neighborhoods and meeting codes such as: parking, setbacks, transitional buffer yards, landscaping, and building codes, have proven to be difficult. Over the years many of these buildings have been neglected, abandoned and/or have fallen into disrepair and therefore have a detrimental impact on neighborhoods. In an effort to permit the revitalization of these structures, the following information provides for the types of uses permitted and the manner in which such uses may be reintegrated into the existing residential neighborhoods.

**2. Definition Statement**

For the purpose of this section, neighborhood commercial/office uses shall mean retail, office, and service uses to be contained in buildings or structures originally designed and built for both commercial and residential use that are located in residentially zoned districts.

**3. Permitted Uses**

The following neighborhood commercial/office uses may be administratively permitted in residentially zoned districts (see 2.5). The Zoning Administrator shall determine what uses will be permitted that are not specifically listed below but are similar in nature.

- a. Any generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, flowers, pharmaceuticals.

notions, hardware and similar commodities that require a retail character no more objectionable than the aforementioned uses.

- b.** Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: computer services, shoe repair, tailor shops, beauty parlors, barber shops, dressmaker, pharmacist, home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned uses.
- c.** Art galleries, artist studios, photographer's studios and professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
- d.** Restaurants, or other places serving food, except drive-in or drive-through restaurants. Only Class B (minimum 50% food) and Class G (beer and wine only) liquor licenses shall be permitted.

**4. Prohibited Uses**

Activities specifically prohibited; include adult uses, drive-through facilities, repair or service of motor vehicles and other large equipment, bars/taverns, no retail liquor sale, manufacturing processes which would normally require industrial zoning, commercial uses with outdoor storage, any activity which may become a nuisance due to noise, unsightliness, or odor; and any activity which may adversely affect surrounding property.

**5. Conditions**

- a.** Parking for the above stated uses shall be one parking space per dwelling unit for residential and three parking spaces per 1,000 square feet of net floor area for all other uses. On-street parking along the street frontage of the mixed-use structure may be counted toward the minimum required parking for nonresidential purposes. An alternative parking plan (see 8.1.9) may be submitted with the approval of the Zoning Administrator.
- b.** Such use shall be permitted only after it has been reviewed by the Zoning Administrator as an appropriate use for the surrounding residential neighborhood.
- c.** Such use must be in a building that was originally designed and built for commercial/residential use or commercial use and was built prior to the adoption of this ordinance.
- d.** Each site shall be evaluated as to its potential impact to the surrounding residential neighborhood. Factors which will be used in the evaluation and must be approved by the Zoning Administrator include, but are not limited to, the following: hours of operation, off-street parking, noise, lighting, traffic (both vehicular and pedestrian), deliveries and screening.
- e.** All business, servicing, or processing shall be conducted within a completely enclosed building.
- f.** The subject building must be in compliance with all applicable building codes. Also, façade improvements may be required by the Zoning Administrator.
- g.** All signage must be appropriate to the scale and character of the site and building. Signage types permitted shall include awning, canopy, and wall signs per 8.3, and blade signs (small pedestrian-oriented sign not greater than eight square feet in area that projects perpendicular from a structure).
- h.** Hours of operation for permitted neighborhood commercial uses shall not be earlier than 7:00 a.m. and not later than 10:00 p.m.

**6. Special Uses**

Applications that do not meet the established standards set forth in paragraph 3 above may be submitted by the applicant for approval pursuant to the Special Use process as stated in 2.9. (Such uses as stated would be categorized as Special Uses and would be permitted only after it has been reviewed by a reviewing body having jurisdiction and approved by the City Council as an appropriate use for the surrounding residential neighborhood as a Special Use).

**F. Self-Service Storage**

**1. General**

- a.** No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.
- b.** The following activities shall be prohibited on the premises:
  - 1)** Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage mini-warehouse complex may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of Illinois regulations.
  - 2)** Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - 3)** Operation of a transfer-and-storage business.
  - 4)** Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.
  - 5)** Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
  - 6)** Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
  - 7)** Habitation of storage units by humans or animals.

**2. Warehouse, Self-service, Mini-storage**

- a.** All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with 8.4, Outdoor Storage and Display.
- b.** A Transitional Buffer Yard in accordance with 8.2.9 of not less than 25 feet in width shall be established along any side of the property where the facility abuts or is across the street from residential district.
- c.** A 100 percent opaque eight-foot high visual barrier or screen shall be provided around the perimeter of the property.
- d.** Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

**3. Warehouse, Self-Service, Indoor Multi-story**

- a.** All warehouse storage on the property shall be in a minimum two-story, single-enclosed building. All storage units shall be accessed internally. External doors to individual units shall not be permitted. One consolidated loading area is permitted to the rear or side of the building.
- b.** The storage of boats, RV's or other similar vehicles may be permitted in accordance with 8.4, Outdoor Storage and Display.

**G. Vehicle Repair and Service**

**1. General Provisions**

- a.** Where the facility is adjacent to any residential use, there shall be a 100 percent opaque eight-foot high visual barrier or screen on the property line abutting the property, provided such barrier or screen shall not restrict clear sight at any intersection, alley or driveway.
- b.** There shall be no dismantling of vehicles for salvage.
- c.** The storage of impounded vehicles shall not be permitted.

**2. CN, CG, and B-1 Districts**

- a.** All repair and service of motor vehicles shall be conducted within a fully-enclosed building.
- b.** A maximum of three service bay doors shall be permitted. The service bay doors shall be oriented towards the side or rear of the building and shall in no case face a designated primary street. The service bay doors shall be fully screened from view from the public right-of-way and adjacent property.

- c. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with 8.4, Outdoor Storage and Display.

## **H. Convenience Cash Businesses**

### **1. Purpose**

There are certain businesses commonly referred to as Convenience Cash Businesses. For the purpose of the ordinance, Convenience Cash Businesses include Payday Loan Businesses and Title Loan Businesses. Convenience Cash Businesses in general are perceived to be detrimental to the neighborhoods in which they are located. The clustering of such businesses results in negative effects including the perception of decline in the area, reduction of property values, and the creation of disincentive for other businesses to locate. The provisions of 5.3.3.H. of this code are intended to ensure that Convenience Cash Businesses are properly located within the City and minimize the detrimental effects that certain Convenience Cash practices have on neighborhood character and housing values, by regulating the density of payday lending businesses within the City and limiting these businesses to the CG (General Commercial) District and the B1 (Downtown Commercial) District, with a special use permit required for each district when distance requirements cannot be met.

### **2. Distance Requirements**

No Convenience Cash Business shall be located within 1500 feet of any other Convenience Cash Business or within 1500 feet of any residentially zoned district. Distance requirements defined in this section shall be measured in a radius, without regard to intervening structures or objects, from the property line of the proposed Convenience Cash Business to the property line of the existing Convenience Cash business and from the property line of any residentially zoned district to the property line of any proposed Convenience Cash Business.

### **3. Permitted Uses**

Convenience Cash Businesses shall only be permitted in districts zoned as CG, General Commercial District and B1, Central Business District.

### **4. Special Uses**

Applications that do not meet the established standards set forth in 5.3.3.H.2 above may be submitted by the applicant for approval pursuant to the Special Use process as stated in 2.9. (Such uses as stated would be categorized as Special Uses and would be permitted only after it has been reviewed by a reviewing body having jurisdiction and proved by the City Council as an appropriate use).

### **5. Convenience Cash Business Uses Established Prior to October 28, 2008**

Convenience Cash Business uses established prior to October 28, 2008, which presently are required by this ordinance to meet 1500 foot distance requirements as per 5.3.3.H.2 may continue such use with proof that the use existed prior to said date. If the use ceases for a period greater than twelve consecutive months, requirements per 5.3.3.H. of this ordinance must be met. The nonconforming use provisions as set forth in Chapter 9.0, and following, shall not apply to said uses.

## **I. Microbrewery/Craft Distillery**

In the CG and B1 districts, a microbrewery or craft distillery must provide onsite retail.

## **J. Shopping Centers**

- 1. Scale and design of the shopping center must be compatible with the surrounding neighborhood.**
- 2. In an effort to determine the economic, environmental, aesthetic, cultural, residential, and public service impacts on the community, new shopping centers require special use approval including a master plan for the entire shopping center.**
- 3. Amendments which are substantially in conformance with the master plan and do not increase the area of the shopping center boundaries may be reviewed administratively, by the Development Review Board.**
- 4. Modifications to shopping centers in existence at the time of adoption of this ordinance shall be reviewed and approved by the Development Review Board providing the**

standards of 4.3 are met and there is no expansion of the approved shopping center boundary.

## **K. Murals**

### **A. Purpose**

- 1.** The purpose of this ordinance is to permit and encourage art murals on a content-neutral basis on certain terms and conditions. Art murals comprise a unique medium of expression which serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime.
- 2.** Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

This Ordinance is also written with the intent to allow murals on historic property in a way that will not diminish the historic or character-defining features of the property.

### **B. Permitted Murals**

Art Murals permitted in all non-residential zoning districts and on structures with legal non-residential uses in residential zoning districts. No zoning approval is required but the mural design standards are applicable for new murals or modifications to existing murals.

### **C. Prohibited Murals**

The following are prohibited:

- 1.** Murals on structures with solely a single or multi-family residential use and associated accessory structure in residential zoning districts
- 2.** Murals on or within historic or conservation landmarks or districts. that are directly painted on the structure.
- 3.** Murals in a public right-of-way.
- 4.** Murals which would result in a property becoming out of compliance with the provisions of City Code, or land use conditions of approval for the development on which the mural is to be located.
- 5.** Murals of any material characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" or which are sexually oriented as defined by Chapter 18, Article III of the City Code.

### **D. Design Standards**

The following performance standards apply to all murals:

- 1.** Building elevation drawn to scale, and one 8.5" x 11" reduction suitable for photocopying, that identifies:
  - a.** the façade on which the mural is proposed;
  - b.** the location of existing and proposed murals;
  - c.** the mural dimensions;
  - d.** the height of the mural above grade; and
  - e.** the building eave/cornice and roof line.
- 2.** Site plan drawn to scale and one 8.5" x 11" reduction suitable for photocopying, that identifies:
  - a.** Property lines;
  - b.** building location and façade on which the mural will be located;
  - c.** names of streets that abut site; and
  - d.** north arrow.
- 3.** Written description of the type of mural (painted, mosaic, etc) and details showing how the mural is affixed to the wall surface
- 4.** Written consent from the building owner.
- 5.** No fee is required for approval of a mural.

- 6. Mural size and materials**
  - a.** No part of the mural shall exceed 30 feet in height or higher than the floor level of the third floor, measured from grade, for projects on buildings greater than two stories, whichever is more restrictive. Any mural exceeding the permitted height shall be subject to the Special Use review process pursuant to 2.9
  - b.** The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
- 7. Murals on or within historic or conservation landmarks and districts:**
  - a.** Placement: Murals may be located on any building elevation; however, may not obscure openings or other historic or character-defining features, including historic, painted signs known as “ghost signs.” Particular attention must be made to place new murals away from “ghost signs.”
  - b.** Size: Murals may not overpower the historic building; and shall defer to historic painted signs, which tend to be very prominent, and should remain as focal points on side elevations.
  - c.** Attachment method: Unpainted masonry walls shall remain unpainted, on all elevations. Murals shall be attached to the building through masonry joints; this is considered the least damaging, and fully reversible approach.
  - d.** If the property has a local historic designation, a Certificate of Appropriateness is also required from the Historic Preservation Commission.
- E. Expiration, Maintenance, and Removal of Mural**
  - 1. Expiration**
    - a.** If the mural is not completed within six months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured.
    - b.** The Director may extend a permit for one period of six months upon finding that the applicant was unable to commence or continue work for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit is void. A permit may be extended only once under the standards of this subparagraph.
  - 2. Maintenance**
    - a.** Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction. Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed.
  - 3. Removal of materials associated with the mural.**
    - a.** Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.
    - b.** Murals on or within historic or conservation landmarks or districts shall be removed within 30-days of direction from the City if found to diminish the historic integrity of the landmark or district.

## **5.4. ACCESSORY STRUCTURES AND USES**

### **5.4.1 Applicability**

- A.** Accessory structures and uses are allowed by right in conjunction with a permitted principal use as set forth in Section 5.6, Use Categories. No accessory use or structure may be



established on a site without a principal use. Specific regulations governing accessory structures and uses are set forth below.

- B.** Unless otherwise stated, accessory structures and uses shall meet all requirements and conditions applicable to the principal use.
- C.** Uses which are accessory to special uses may be permitted when approved as part of the special use, or when the Zoning Administrator finds they are not an expansion of an approved special use
- D.** Except for off-street parking and loading, and open air cafes, accessory uses associated with nonresidential principal uses shall be limited to ten percent or less of the floor area of the principal use.

**5.4.2 Residential Accessory Structures and Storage Buildings**

- A.** Accessory structures and accessory storage buildings shall be permitted incidental to the principal use, and shall not be used as dwelling units or involve the conduct of a business.
- B.** Permitted 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.
- C.** Permitted accessory storage buildings include open or closed type buildings, including private garages and sheds, 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.
- D.** Accessory Storage Buildings are permitted according to the following table.

	<u>Single Family dwelling with attached garage</u>	<u>Single Family dwelling without attached garage</u>	<u>Multi-Family dwellings in R6, R7, or R8 districts.</u>
<b><u>1. Maximum Number of Accessory Storage Buildings:</u></b>	<u>One accessory storage building</u>	<u>Two accessory storage buildings</u>	<u>Subject to Development Review Board review.</u>
<b><u>2. Maximum Size :</u> <u>In no case shall the maximum size of any accessory storage building exceed the area of the principal structure.</u></b>	<u>1,092 square feet</u>	<u>One building not to exceed 199 square feet and;</u> <u>One building of at least 200 square feet but no larger than 1,092 square feet.</u>	
<b><u>3. Maximum Height:</u></b>	<u>14 feet</u>	<u>14 feet</u>	<u>14 feet</u>
<b><u>4. Required Setback from Principal Structure:</u></b>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
<b><u>5. Required Setback from other Accessory Structures/Buildings:</u></b>	<u>6 feet</u>	<u>6 feet</u>	<u>6 feet</u>

- E.** Accessory structures or accessory storage buildings shall comply with the stated yard requirements for accessory structures in each residential district (see 4.2.4) and rows 3, 4, and 5 of the previous table in 5.4.2.D.

**5.4.3 Outdoor Storage**

Except as otherwise expressly permitted by this development code, outdoor storage shall not be allowed as an accessory use (see 8.4, Outdoor Storage and Display).

**5.4.4 Residential Recreational Facilities**

Residential recreation facilities including but not limited to swimming pools and tennis courts are permitted, which are limited to use by the occupants of the principal residential use and their guests and which are illuminated in a manner that will not cast direct light on adjacent residential zoning lots.

**5.4.5 Accessory Parking Lots in Single Family Residential Districts**

Parking lots shall not be permitted as an accessory use in any single-family residential district.

**5.4.6 Demountable Temporary Structures**

Demountable temporary structures may be permitted with a special use for the purpose of providing space auxiliary to the use for which the site has been zoned for all zoning districts except form districts.

**5.4.7 Fences and Walls**

**A. Purpose Statement**

This section is intended to allow fences and walls which preserve existing aesthetic benefits in the City, create an attractive appearance for the City; and, instill aesthetics as a value and standard throughout the City.

**B. General Provisions**

1. A fence or wall may be located on a lot line, but shall not protrude in full or part on adjacent property or right-of-way.
2. Fence or wall height shall be measured from an established grade to the top most section of the fence or wall. Where the grade forms a contour, the fence or wall shall be required to maintain the same contour.
3. All portions of any fence or wall must be constructed of the same or harmonious material. All vertical and/or horizontal supports and cross members must face the interior of the lot.
4. Fences and walls shall be maintained by the property owner according to all other codes of the City.
5. Fences and walls on corner lots must observe the sight triangle requirement as set forth 8.2, Landscaping and Screening.
6. Except in the I-2 or I-3 Industrial Zoning Districts, chain link and wire fences shall not be located in front or corner side yards.
7. In order to provide for the maintenance and gradual elimination of nonconforming front yard fences that adversely affect the character and value of permitted development, front yard fences existing on private property as of the date of passage of this Ordinance that meet the following standards may continue to be maintained, but not replaced: maximum four feet in height, minimum forty percent open, constructed of harmonious materials, support members face to the interior of the lot, and the sight triangle is observed.

**C. Fences Requirements**

	<b><u>RESIDENTIAL, OFFICE, COMMERCIAL, INSTITUTIONAL, AND I-1 ZONING DISTRICTS</u></b>			<b><u>I-2 AND I-3 ZONING DISTRICTS</u></b>		
	<b><u>Maximum Height</u></b>	<b><u>Required Setback</u></b>	<b><u>Minimum % Openness</u></b>	<b><u>Maximum Height</u></b>	<b><u>Required Setback</u></b>	<b><u>Minimum % Openness</u></b>
<b><u>Front Yard</u></b>	<u>3 feet</u>	<u>None</u>	<u>None</u>	<u>8 feet</u>	<u>None</u>	<u>None</u>
<b><u>Corner Side Yard</u></b>	<u>6 feet</u>	<u>10 feet from abutting street</u>	<u>None</u>	<u>8 feet</u>	<u>None</u>	<u>None</u>
<b><u>Side Yard</u></b>	<u>6 feet.</u> <u>No fence or wall is permitted when less than 3 feet between fence or wall and any principal structure.</u>	<u>None</u>	<u>None</u>	<u>8 feet</u>	<u>None</u>	<u>None</u>
<b><u>Rear Yard</u></b>	<u>6 feet</u>	<u>None</u>	<u>None</u>	<u>8 feet</u>	<u>None</u>	<u>None</u>

<u>Through Lot</u>	Must comply with all of the above, unless all principal structures in same block, face the same street or direction, and there is no vehicular access to the street in which the principal structure does not face, a fence or wall may be constructed as per the rear yard regulation for interior lots	8 feet	None	None
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### **5.4.8 Home Occupations**

#### **A. Purpose Statement**

The purpose of this section is to allow home occupations that are compatible with the residential districts in which they are located.

#### **B. General Requirements and Standards**

All home occupations shall comply with each and every one of the following standards and requirements:

- 1.** The entrepreneur of every home occupation shall reside in the dwelling unit in which the business operates.
- 2.** All home occupation use activity conducted at the site of the home occupation shall be conducted entirely within a completely enclosed dwelling unit or garage (detached or attached).
- 3.** Use of garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any home occupation may be permitted subject to the following:
  - a.** No space within the garage that could be used to meet the required off-street parking requirements for the principle use shall be used for the home occupation. No existing garage may be converted to an accessory structure unless another garage is erected to replace the off-street garage parking spaces.
  - b.** Auto and engine related occupations shall not be permitted. Routine, minor maintenance on vehicles registered to the residents of the property may occur. Only one vehicle may be repaired at one time, regardless of ownership or reason. Any repair of non-resident-owned vehicles is not permitted.
  - c.** Construction businesses or landscaping businesses that provide the on-site storage of goods and materials, supplies or equipment, to be used in operation of the business shall not be permitted.
- 4.** The home occupation shall not interfere with the delivery of utilities or other services to the area.
- 5.** The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit and/or garage in a zoning district used solely for residential purposes.
- 6.** No toxic, explosive, flammable, radioactive, or other hazardous materials as defined by the Fire Code and Building Code of the City of Peoria shall be used, sold, or stored on the site.
- 7.** There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or placement of a sign.
- 8.** No more than one vehicle shall be used in connection with home occupation use. The home occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding a payload capacity of one ton. Further, the home occupation vehicle shall not, pursuant to the Illinois Vehicle Code, require more than a Class B license or be a vehicle included in the definition of a Second Division Vehicle by Illinois Vehicle Code (those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the First Division used and registered as school buses).

9. Home occupation vehicles are required to comply with all applicable residential parking requirements including, but not limited to, 8.1.7, which prohibits permanent parking in required front yards and which requires hard-surfaced parking spaces.
10. No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
11. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.
12. There shall be no advertising, signs, display, or other indications of a home occupation in the yard, on the exterior, or visible from, the dwelling unit and/or garage.
13. Direct sales and/or rentals of products off display shelves or racks is not permitted, although a person may pick up an order previously made by telephone or at a sales meeting.
14. The total area used for the home occupation, per property, shall take up no more than 250 square feet of the dwelling unit or garage. No product, materials, supplies or equipment shall be displayed or stored outside of the home.
15. No person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.
16. Deliveries from commercial suppliers shall not be made by any vehicle that exceeds a gross weight in pounds for vehicle and maximum load of 20,000 pounds. Deliveries shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.
17. Visitors in conjunction with the home occupation (clients, pupils, sales persons, etc.) will be limited to no more than eight during a 24-hour period. No more than four visitors may visit at one time.
18. No more than one home occupation shall be permitted, per property, within any individual dwelling unit and/or garage.
19. No permit is required so long as the general requirements and standards described are met.

#### **5.4.9 Small Wind Energy Conversion Systems**

##### **A. Purpose and Goals**

Small Wind Energy Conversion Systems (SWECS) have been found to be a viable and useful method to produce energy from a renewable source, i.e., wind. The purpose of this Ordinance is to establish requirements for the siting of SWECS. This Ordinance takes into account the necessary siting requirements needed for optimal and efficient operation of SWECS, while also imposing regulations to protect the safety of Peoria citizens and maintaining property values by regulating aesthetics and other nuisances associated with SWECS. The goals of this Ordinance are to:

1. Encourage the placement of SWECS in both residential and non-residential areas;
2. Allow residents to produce their own energy from renewable sources, while encouraging the location of SWECS so that they are utilized in a manner to protect the safety and well-being of Peoria citizens;
3. Encourage the use of SWECS to help reduce the impact of non-renewable energy sources on the local environment.

##### **B. Administrative Review Process**

###### **1. Application**

A Small Wind Energy Wind Conversion System Application shall be submitted with a scaled site plan showing all property lines, overhead utilities, and other structures on subject property. The site plan shall also include the location of the SWECS and the distances from the SWECS to all property lines, overhead utilities and other structures on the property. A scaled drawing of the SWECS structure must also be submitted showing the height and the distance between the rotor blades at their lowest point and the base of the structure. Finally, a map showing all surrounding SWECS within five-hundred (500) feet must be submitted.

## **2. Standards**

When determining if a SWECS application shall be approved, the Zoning Administrator shall consider the following standards:

### **a. Spacing and Setback**

#### **1) Spacing**

A SWECS shall not be placed any closer than three (3) times the diameter of the rotor from a surrounding SWECS measured from the base of the SWECS.

#### **2) Setback**

The minimum distance between SWECS and all property lines, overhead utility or transmission lines, electrical substations, and public right-of-ways shall be equal to no less than 1.1 times the sum of the proposed tower height plus the rotor radius. The setback distance is measured from the base of the SWECS or, if guy wires are used, from the furthest guy wire from the base of the SWECS. This requirement is not intended for roof-mounted SWECS.

### **b. Height:**

#### **1) Structure Height**

The height of a SWECS (tower height plus the rotor radius) shall not exceed 100 feet measured from an established grade.

#### **2) Rotor-to-Ground Height**

The minimum distance between the ground, measured from an established grade, and any part of the rotor blade system shall be twenty-five (25) feet. This requirement shall not include roof-mounted SWECS. Vertical axis SWECS shall be measured from the lowest point of the rotor to the ground unless located on a roof.

### **c. Anti-Climbing Devices:**

A SWECS shall not have any climbing devices below a height of twelve (12) feet from the base of the structure. For those SWECS that have climbing apparatus, a fence six (6) feet in height with a lockable gate must completely surround the SWECS.

### **d. Signs:**

No signs other than a "High Voltage" sign measuring no more than two (2) square feet may be posted on a SWECS.

### **e. Noise:**

All SWECS shall meet the minimum noise standards. When measured from any property line, the decibel (dBA) reading shall not exceed 60 dBA. In the event of strong winds or a storm, a SWECS shall not produce noise greater than 10 dBA over the ambient noise level.

### **f. Aesthetics:**

#### **1) Color**

SWECS shall be constructed of a material or painted with a color that is non-reflective and unobtrusive and either white or light grey in color. Other unobtrusive colors may be considered and approved by the Zoning Administrator.

### **g. Roof-Mounted SWECS:**

#### **1) Height**

The height of a roof-mounted SWECS shall not exceed twenty (20) feet above the highest point of a roof. In no instance shall a roof-mounted SWECS exceed the maximum height requirement for the zoning district it is located in. SWECS located on a structure are considered part of that structure.

#### **2) Screening**

There shall be no screening requirements for roof-mounted SWECS.

### **h. Utility Notification:**

SWECS shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**i. Compliance with Applicable Building Codes:**

Building permit applications for a SWECS shall be accompanied by standard drawings of the SWECS structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with all adopted building codes for the City of Peoria and certified by a licensed professional engineer shall also be submitted.

**j. Power Lines:**

All power lines or electrical lines associated with a SWECS must be located completely within the SWECS or buried underground.

**k. Controls and Brakes:**

A SWECS shall be equipped with manual and automatic controls or mechanical brakes to limit rotation of blades to a speed below the designed limits of a SWECS. For purposes of this section, "manual and automatic controls" mean controls which give protection to power grids and limit rotation of a SWECS' blades to below the designed limits of the conversion system. The professional engineer or authorized factory representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's or the authorized factory representative's statement of certification.

**C. Special Use**

An applicant may apply for a Special Use Permit when one or more of the above standards cannot be met.

**D. General Guidelines and Requirements**

**1. Accessory Structures**

SWECS are permitted accessory structures

**2. Zoning Districts**

SWECS are permitted accessory structures in all Zoning Districts.

**3. Historic Districts**

SWECS are prohibited from all historic districts in the City of Peoria.

**E. Removal of Abandoned SWECS**

If the SWECS remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned and shall constitute a public nuisance. Upon notification from the Zoning Administrator, the owner/operator shall remove the abandoned system at their expense within twenty (20) days from the date of the letter. Removal of the system includes the entire structure including foundations, transmission equipment and fencing around the SWECS. Nonfunction or lack of operation may be proven by reports from the interconnected utility. The Zoning Administrator may request more information to prove the SWECS has been abandoned. If the owner/operator of the SWECS feels the SWECS has not been abandoned, a hearing shall be scheduled for the owner/operator to show significant proof that the SWECS has not been abandoned. If the SWECS is not removed after such twenty (20) day period, the Zoning Administrator is authorized to cause the SWECS to be removed forthwith. Any expense incidental thereto shall be paid by the owner, agent or person having the beneficial use of the SWECS or premises on which the SWECS is found. The owner of the SWECS will be responsible for any remaining costs.

## **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 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**

<b><u>Permitted Temporary Use</u></b>	<b><u>Location</u></b>	<b><u>Maximum Duration of Use</u></b>	<b><u>Maximum Frequency</u></b>	<b><u>Additional Requirements</u></b>	<b><u>Site Plan Required?</u></b>
<u>House, Apartment, Garage &amp; Yard Sales</u>	<u>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 the personal possessions of the owner or occupant of the lot</u>	<u>No</u>
<u>Indoor/Outdoor Festivals, Sidewalk Sales, Art, Craft, Plant Shows/Exhibits/ Sales</u>	<u>Commercial, Form, or Industrial District</u>	<u>Special Sales - 3 days Plant Sales - 150 consecutive days per calendar year</u>	<u>Special Sales - No more than 12 times per year</u>	<u>See 5.5.3.B Below</u>	<u>No</u>
<u>Christmas Tree/Pumpkin/ Easter Lily Sales</u>	<u>All Districts</u>	<u>45 days</u>	<u>NA</u>	<u>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.</u>	<u>No</u>
<u>Contractor's Offices &amp; Equipment Sheds</u>	<u>All Districts when accessory to construction</u>	<u>Coincide with active construction</u>	<u>NA</u>	<u>Sleeping or cooking accommodations are prohibited</u>	<u>No</u>
<u>Real Estate Office, Including Model Units</u>	<u>All Districts when accessory to a new development</u>	<u>Coincide with active selling/leasing period.</u>	<u>NA</u>	<u>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.</u>	<u>Yes (as part of the building permit review)</u>
<u>Camivals &amp; Circuses</u>	<u>All Districts</u>	<u>10 days</u>	<u>No limit</u>	<u>None</u>	<u>Yes (as part of the building permit review)</u>
<u>Sales of Overstocks, Seconds, Similar Goods in Districts where not a Permitted Use</u>	<u>I-1, I-2, &amp; I-3 Districts when accessory to a permitted use</u>	<u>10 days</u>	<u>No more than 4 times per 12 month period with 7 days in between each sale</u>	<u>See 5.5.2.C Below</u>	<u>No</u>

<u>Tents</u>	All Districts with a <u>permitted, accessory, temporary, or special use</u>	10 days	No more than 4 <u>times per 12 month period with 7 days in between each tent sale</u>	<u>Tents must comply with setback and height limitations of the zoning district in which it is placed. Tents cannot obstruct access to handicap parking spaces.</u>	No
<u>Civic Uses of Public Property</u>	<u>Commercial or Form Districts</u>	No limit	No limit	<u>Authorization by the controlling governmental agency and the use must not impose an undue adverse effect on the neighboring streets or property</u>	No
<u>Wheelchair Ramp</u>	<u>Residential Districts</u>	<u>Length of residency plus 60 days by the individual with a disability requiring a wheelchair</u>	NA	<u>Minimum encroachment into required yards and safe ingress/egress from the property</u>	<u>Yes (as part of the building permit review)</u>
<u>Dumpster for Construction Projects</u>	All	<u>Coincide with active construction</u>	NA	<u>Placed on a hard surface</u>	No
<u>Bus Benches and Shelters</u>	All Districts	No limit	NA	<u>See 5.5.2.D Below</u>	No
<u>Farmers Market</u>	<u>C-N, C-G, and I-1 Districts</u>	<u>Not to interfere with surrounding land uses</u>	No limit	<u>See 5.5.2.E Below</u>	No
<u>Demountable Temporary Structures</u>	<u>All Districts except N1 and P1</u>	6 months	NA	<u>Subject to Special Use approval per Section 2.9</u>	N/A
<u>Roadside Produce Stand</u>	<u>C-N Districts</u>	<u>Coincide with growing season</u>	NA	<u>See 5.5.2.F Below</u>	No
<u>Home-Produces Fruit and Vegetable Sales</u>	<u>Residential Districts and Legal Non-Conforming Residential Dwellings in Non-Residential Districts</u>	3 days	<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>	No
<u>Mobile Food Vehicles and Carts</u>	<u>All Districts except Single Family-Residential Districts</u>	No Limit	No Limit	<u>Must be parked/placed on a paved surface. Seating may be provided during hours of operation.</u>	No

**B. Indoor/ Outdoor Festivals, Sidewalk Sales, Art, Craft, Plant Shows/Exhibits/Sales**

- 1.** The display area shall not encroach into any required yard area.
- 2.** Special sales shall not exceed three days in length and shall be limited to 12 special sales per year. At no other time shall materials, merchandise or inventory be stored outdoors except per the requirements for permanent display areas. In Class C-2 (Large Scale Commercial) Districts, special sales shall not exceed 90 total days in a calendar year with no one even exceeding 30 days; 7 days are required between each event.
- 3.** Plant sales located within parking areas shall adhere to the following regulations:
  - a.** Plant sales are allowed for a maximum of 150 consecutive days per calendar year.
  - b.** Plant sales structures must meet the setback requirements of the respective zoning district and must not exceed a maximum height of 14 feet.



- c. Any proposed outdoor lighting for the plant sale must obtain the appropriate permit from the inspections department and adhere to outdoor site lighting requirements 8.5.

**C. Sales of Overstock, Seconds, Similar Goods in Districts Where Not a Permitted Use**

**1. Existing Inventory Only**

No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of the temporary sale.

**2. No Outdoor Sales**

Any area in which such a temporary retail use takes place, including the sale and display.

**D. Bus Benches and Shelters**

- 1.** Bus benches and shelters are permitted in all zoning districts and are an allowable encroachment in all yards.

- 2.** Bus benches and shelters must be approved by the Greater Peoria Mass Transit District, the City of Peoria and the property owner.

**E. Farmers' Markets**

- 1.** 1. Permitted when accessory to any use permitted or specially permitted in such district and pursuant to the following regulations:

- a.** The sales area shall be located in an area that will not disrupt the flow of traffic onto and off the site or obstruct any handicap access or parking. Parking facilities will be evaluated to ensure that adequate parking is available during the approved operating hours of the event.

- b.** The market may not be permitted on vacant or unimproved land.

- c.** The market shall conform to all applicable rules and regulations governing farmers markets.

- d.** The market shall be limited to the sale of products which are the result of the practice of the agricultural arts by a producer upon land the producer controls, by the producer, the producer's employees or the producer's immediate family. In addition, a producer may sell products produced by not more than two other producers.

- e.** The market shall be limited in days and hours of operation so as to not interfere with the surrounding land uses.

- f.** No variances from these standards are permitted.

**F. Roadside Produce Stand**

- 1.** Roadside Produce Stand means any trailer, tent, table, operable motor vehicle, or other temporary structure, not erected on a foundation, for the sale of seasonal whole, uncut fresh produce, not customarily sold on a year-round basis.

- 2.** The purpose of a roadside produce stand is to allow groups and individuals, who are actively farming, low cost entrance into direct marketing their produce. It is characterized as a direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features locally grown fresh produce.

- 3.** Permitted accessory to any permitted use or as a primary use pursuant to the following regulations:

- a.** Written permission of the property owner is required.

- b.** The only items allowed for sale are seasonal fresh produce. No processed or package food or other items are permitted for sale.

- c.** The sales area shall be located in an area that will not disrupt the flow of traffic onto and off the site or obstruct any handicap access or parking. Parking facilities will be evaluated to ensure that adequate parking is available during the approved operating hours of the event.

- d.** If produce is sold from a motor vehicle, it must be located on a hard surface.

- e.** The roadside produce stand shall conform to all applicable rules and regulations governing food vendors.

- f. The roadside produce stand shall be limited in days and hours of operation so as to not interfere with the surrounding land uses.
- g. All components of the roadside stand must be brought indoors daily, at the close of sales.
- h. No variances from these standards are permitted.

### **5.5.3 Bulk, Yard and Space Requirements**

Except as expressly provided otherwise in this section, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.

#### **A. Parking**

Before approving any temporary use, the Zoning Administrator shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Zoning Administrator, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

#### **B. Additional Conditions**

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.

## **5.6 USE CATEGORIES**

### **5.6.1 Applicability**

The following use categories are not zoning districts. These categories group uses for regulatory purposes. A use listed below is only permitted in accordance with Chapter 5.0, Permitted Land Uses.

#### **A. Basis for Classifications**

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

#### **B. Approach to Categorizing Uses**

The use categories used in Chapter 5.0, Permitted Land Uses, are set forth in 5.6.2 through 5.6.6.

##### **1. Principal Uses**

The “Principal Uses” portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

*Example: A use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.*

##### **2. Accessory Uses**

Accessory uses are allowed by right in conjunction with a principal use as set forth in 5.6.2 through 5.6.6. No accessory use may be established on a site without a principal use. Specific regulations governing accessory uses are set forth 5.4, Accessory Structures and Uses.

#### **C. Uses Not Included**

The “Uses Not Included” provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

### **5.6.2 Residential Use Categories**

**A. Household Living**

Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Single-Family</u> <u>Two-Family</u> <u>Townhouse</u> <u>Apartment</u> <u>Upper Story Residential</u> <u>Live-Work</u>	<u>Dish antenna under 1 meter</u> <u>Home occupation (see 5.4.8 )</u> <u>Detached garage, barbecue pit,</u> <u>carport, tool or garden shed,</u> <u>storage unit, swimming pool</u> <u>Raising of pets</u> <u>Residential leasing office</u> <u>Surface Parking</u>	<u>Bed and breakfast, hotel, motel,</u> <u>inn, extended-stay facility (see</u> <u>Overnight Lodging)</u> <u>Halfway house, recovery home,</u> <u>residential treatment facility,</u> <u>outpatient treatment facility (see</u> <u>Social Service Institutions)</u> <u>Boarding house, elderly housing,</u> <u>assisted living facility</u> <u>Fraternity, sorority, family care</u> <u>facility, group care facility,</u> <u>nursing home (see Group</u> <u>Living)</u>

**B. Group Living**

Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Boarding house, rooming house</u> <u>Children's home</u> <u>Congregate housing</u> <u>Elderly housing, assisted living</u> <u>facility</u> <u>Fraternity, sorority, student</u> <u>dormitory</u> <u>Family care facility</u> <u>Group care facility</u> <u>Monastery, convent</u> <u>Nursing home, full-time</u> <u>convalescent, hospice, life care</u> <u>center</u>	<u>Associated office</u> <u>Food preparation or dining area</u> <u>Recreational facility</u>	<u>Bed and breakfast, hotel, motel,</u> <u>inn, extended-stay facility (see</u> <u>Overnight Lodging)</u> <u>Halfway house, recovery home,</u> <u>residential treatment facility,</u> <u>outpatient treatment facility (see</u> <u>Social Service Institutions)</u> <u>Seminary (see Educational</u> <u>Facility)</u>

**5.6.3 Civic Use Categories**

**A. Community Service**

Uses of a public, nonprofit, or charitable nature providing ongoing public safety, educational, training, or counseling to the general public on a regular basis, without a residential component.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Neighborhood arts center or</u> <u>similar facility (public)</u> <u>Museum, library</u> <u>Philanthropic institution</u> <u>Police, fire, EMS substation,</u>	<u>Associated office</u> <u>Food preparation or dining area</u> <u>Arts and crafts, day care, therapy</u> <u>area</u> <u>Indoor or outdoor recreation and</u> <u>athletic facility</u> <u>Limited retail sales (internal)</u>	<u>Athletic, tennis, swim or health</u> <u>club (see Retail Sales and</u> <u>Service)</u> <u>Church, mosque, synagogue,</u> <u>temple (see Place of Worship)</u> <u>Counseling in an office setting (see</u> <u>Office)</u>

	<u>Meeting area</u>	<u>Detention center, jail, prison (see Light Industrial)</u> <u>Lodge, membership club (see Indoor Recreation)</u> <u>Park (see Park/Open Area)</u> <u>Halfway house, rehabilitative clinic, recovery home, residential treatment facility, outpatient treatment facility (see Social Service Institution)</u> <u>Family care facility, group care facility, nursing home (see Group Living)</u>
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**B. Day Care**

Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Child care home (up to 8)</u> <u>Day care center (8+)</u> <u>Drop-in child care center</u> <u>Intermediate childcare</u> <u>Nursery school, preschool</u>	<u>Associated office</u> <u>Food preparation or dining area</u> <u>Health, arts and crafts, and therapy area</u> <u>Indoor or outdoor recreation facility</u>	<u>Counseling in an office setting (see Office)</u> <u>On-site day care facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Uses)</u>

**C. Educational Facility**

Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

<b><u>Principal Uses</u></b>	<b><u>Accessory Uses</u></b>	<b><u>Uses Not Included</u></b>
<u>Academy (special training)</u> <u>College, community college, university</u> <u>Job training, vocational rehabilitation service</u> <u>Seminary</u> <u>School, public or private (K-12)</u> <u>School, medical, vocational, business</u> <u>Trade school, no heavy equipment or truck operators</u>	<u>Associated office</u> <u>Auditorium, theater</u> <u>Before- and after-school day care</u> <u>Dormitory, housing for students or faculty</u> <u>Food preparation or dining area</u> <u>Health facility</u> <u>Laboratory, library, museum</u> <u>Janitorial facility</u> <u>Meeting area</u> <u>Play area, recreational or sports facility</u> <u>Research, noncommercial, scientific, educational</u> <u>Student center or club</u> <u>Student unions and faculty centers</u> <u>Support commercial (college-operated bookstore, for example)</u>	<u>Dance, art, martial arts, music or photographic studio or classroom (see Retail Sales and Service)</u> <u>Nursery school, preschool (see Day Care)</u> <u>Trade school, heavy equipment, truck operators (see Light Industrial)</u>

**D. Medical Facility**

Uses providing medical or surgical care to patients. Some uses may offer overnight care.

<b><u>Principal Uses</u></b>	<b><u>Accessory Uses</u></b>	<b><u>Uses Not Included</u></b>
<u>Ambulatory surgery center, outpatient clinic</u> <u>Blood plasma donation center</u> <u>Health care service</u> <u>Hospital, medical center</u> <u>Medical, dental laboratory</u> <u>Medical, dental clinic, rehabilitative clinic</u> <u>Medical, dental office, chiropractor</u>	<u>Associated helicopter landing facility</u> <u>Associated office</u> <u>Chapel, ancillary worship space</u> <u>On-site day care where children are cared for while parents or guardians are occupied on the premises</u> <u>Food preparation or dining area</u> <u>Housing for staff or trainees</u> <u>Limited retail sales (internal)</u> <u>Janitorial facility</u> <u>Meeting area</u> <u>Nursing or medical school</u> <u>Pharmacy</u> <u>Recreational facility</u> <u>Research, noncommercial, scientific, educational</u> <u>Teaching facility</u> <u>Temporary housing for relatives of patients</u>	<u>Rehabilitative clinic, psychiatric institution, sanatorium (see Social Service Institution)</u> <u>Pharmacy, urgent care or emergency medical office (see Retail Sales and Service)</u> <u>Medical cannabis dispensary</u> <u>Medical cannabis cultivation center</u>

**E. Parks and Open Space**

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Botanical garden, nature preserve, recreational trail</u> <u>Cemetery, mausoleum, columbarium, memorial park including pet cemetery, burial grounds</u> <u>Community Gardens</u> <u>Game preserve, wildlife management area, refuge, animal sanctuary</u> <u>Park – active recreation (see Definition)</u> <u>Park – passive recreation (see Definition)</u> <u>Recreation field</u> <u>Reservoir, control structure, drainage well, water supply water well</u>	<u>Campground (public park only)</u> <u>Concession</u> <u>Dock or pier (noncommercial)</u> <u>Maintenance facility</u> <u>Play equipment</u> <u>Single residential unit for caretaker or security purposes</u> <u>Swimming pool, tennis court, ballfield (public park only)</u>	<u>Campground (private), golf course, country club, clubhouse, batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation)</u> <u>Crematorium (see Light Industrial)</u> <u>Athletic field (see Outdoor Recreation)</u>

#### **F. Passenger Terminal**

Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Airport, heliport</u> <u>Bus passenger terminal, taxi dispatch center, train passenger terminal, limousine service</u> <u>Bus transfer station</u> <u>Charter service</u>	<u>Associated office</u> <u>Concession</u> <u>Food preparation or dining area</u> <u>Freight handling area</u> <u>Fueling facility</u> <u>Janitorial facility</u> <u>Limited retail sales (internal)</u> <u>Maintenance facility</u> <u>Park-and-ride facility</u>	<u>Freight, distribution facility, parcel service (see Warehouse and Distribution)</u> <u>Helicopter landing facility accessory to another use (see Agriculture, Medical Facility)</u>

#### **G. Place of Worship**

Places of assembly that provide meeting areas for religious practice.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Church, mosque, synagogue, temple, chapel</u>		

#### **H. Social Service Institution**

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Halfway house</u> <u>Outpatient treatment facility</u> <u>Psychiatric institution</u> <u>Recovery home</u> <u>Residential treatment facility</u>	<u>Adult educational facility</u> <u>Associated office</u> <u>Food preparation or dining area</u> <u>Meeting room</u>	<u>Boarding house, elderly housing, assisted living facility</u> <u>Fraternity, sorority, family care facility, group care facility, nursing home (see Group Living)</u>

<u>Sanatorium</u> <u>Social service institution, soup kitchen, transient lodging or shelter for the homeless</u> <u>Single room occupancy (SROs)</u>	<u>On-site day care where children are cared for while parents or guardians are occupied on the premises</u> <u>Staff residences located on-site</u>	<u>Detention center, jail, prison (see Light Industrial)</u> <u>School, public or private, K-12 (see Educational Facility)</u>
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**I. Utilities**

Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, gas or electric installation/transmission, water and wastewater pump station or lift station, gas gates</u> <u>Major utilities, including aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank</u> <u>Wireless communication facility</u>	<u>Control, monitoring, data or transmission equipment</u> <u>Storage</u>	<u>Landfill (see Waste-Related Service)</u> <u>Utility office, radio, TV, recording studio (see Office)</u> <u>Reservoir, control structure, drainage well, water supply water well (see Parks an Open Area)</u>

**5.6.4 Commercial Use Categories**

**A. Indoor Recreation**

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

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

**B. Office**

Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.

<b><u>Principal Uses</u></b>	<b><u>Accessory Uses</u></b>	<b><u>Uses Not Included</u></b>
<u>Offices including advertising, business management consulting, data processing, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency</u> <u>Detective agency</u> <u>Financial services such as lender, investment or brokerage house,</u> <u>Call center</u> <u>Counseling in an office setting</u> <u>Government office</u> <u>Radio, TV or recording studio</u> <u>Utility office</u>	<u>Ancillary storage</u> <u>Food preparation or dining area</u> <u>Health facility</u> <u>Janitorial facility</u> <u>Meeting room</u> <u>On-site day care where children are cared for while parents or guardians are occupied on the premises</u> <u>Other amenity for the use of on-site employees</u> <u>Limited retail sales (internal)</u> <u>Technical library</u>	<u>Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial)</u> <u>Bulk mailing service (see Light Industrial)</u> <u>Mail-order house (see Wholesale Trade)</u> <u>Medical, dental office or chiropractor (see Medical Facility)</u> <u>Research, testing, and development laboratory (Light Industrial)</u> <u>Urgent care or emergency medical office (see Retail Sales and Service)</u>



**C. Outdoor Recreation**

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.

<b><u>Principal Uses</u></b>	<b><u>Accessory Uses</u></b>	<b><u>Uses Not Included</u></b>
<u>Amusement parks</u> <u>Arena, stadium, outdoor</u> <u>Auditorium, arena, stadium, outdoor,</u> <u>Athletic field, track</u> <u>Drive-in theater</u> <u>Campground, travel trailer park, recreational vehicle park</u> <u>Commercial amphitheater</u> <u>Executive par three golf course</u> <u>Extreme sports such as paintball, BMX facility or skateboarding facility</u> <u>Golf course, tennis, country club, clubhouse</u> <u>Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park</u> <u>Horse stable, riding academy</u> <u>Outdoor shooting range</u> <u>Sports academy for active recreational or competitive sports</u> <u>Outdoor movie viewing</u>	<u>Associated office</u> <u>Caretaker or security person housing</u> <u>Classroom</u> <u>Clubhouse</u> <u>Concession</u> <u>Food preparation or dining area</u> <u>Jogging, hiking, fitness and other types of trails</u> <u>Limited retail sales (internal)</u> <u>Maintenance facility</u> <u>On-site day care where children are cared for while parents or guardians are occupied on the premises</u> <u>Pro shop or sales of goods related to the on-site activities of the specific use</u>	<u>Athletic, tennis, swim or health club (see Retail Sales and Service)</u> <u>Botanical garden, nature preserve, recreational trail, park, recreation field (see Parks and Open Area)</u> <u>Indoor entertainment activity such as pool hall, bowling alley, game arcade (see Indoor Recreation)</u>

**D. Overnight Lodging**

Accommodations arranged for short term stays of less than 30 days for rent or lease.

<b><u>Principal Uses</u></b>	<b><u>Accessory Uses</u></b>	<b><u>Uses Not Included</u></b>
<u>Hotel, motel, inn, extended-stay facility, bed and breakfast, youth hostel</u>	<u>Associated office</u> <u>Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment</u> <u>Food preparation or dining area</u> <u>Laundry facility</u> <u>Meeting facility</u> <u>Restaurant</u> <u>Swimming pool, other recreational facility</u>	<u>Boarding house, rooming house (see Group Living)</u> <u>Campground (private), travel trailer park, recreational vehicle park (see Outdoor Recreation)</u> <u>Convention center (see Indoor Recreation)</u>

**E. Parking**

Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.

<b><u>Principal Uses</u></b>	<b><u>Accessory Uses</u></b>	<b><u>Uses Not Included</u></b>
<u>Mixed parking lot (partially accessory to a principal use, partly to rent for others), short- and long-term fee parking facility</u> <u>Park-and-ride facility</u> <u>Parking lot, surface</u> <u>Parking lot, garage</u>	<u>Structure intended to shield parking attendants from the weather</u>	<u>Bus barn (see Warehouse and Distribution)</u> <u>Sale or servicing of vehicles (see Vehicle Sales and Service)</u>

**F. Restaurant**

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

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

**G. Retail Sales and Service**

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

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

#### **H. Self-Service Storage**

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Warehouse, self-service, mini-storage</u> <u>Warehouse, self-service, fully enclosed indoor multi-story storage</u>	<u>Associated office</u> <u>Storage of boats and campers</u> <u>Caretaker or security person unit</u>	<u>Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store (see Warehouse and Distribution)</u> <u>Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial)</u> <u>Recycling facility including recyclable material storage, including construction material (see Waste-Related Services)</u> <u>Rental of light or medium trucks (see Vehicle Sales and Service)</u>

**I. Vehicle Sales and Service**

Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as vehicle service involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.

<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
<u>Full- or self-service vehicle wash</u> <u>Manufactured housing sales</u> <u>Vehicle service including audio and alarm system installation, custom accessories (window tint, stripe, luggage rack, molding, bumpers) quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, hand and foot control installation, glass repair/replacement provided such all activity is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting.</u> <u>Vehicle repair including A/C replacement A/C servicing, alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service, repair of brakes/shocks, mufflers, transmissions, engine replacement/overhaul, trucks service exceeds 3/4 ton, truck service tune up</u> <u>Vehicle sales, rental, or leasing including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles, unattended vehicle sales lot, car rental auto leasing, over the road trailer leasing, auction vehicle, broker vehicle, pawn shop vehicle</u>	<u>Associated office</u> <u>Sale of parts</u> <u>Single-bay, automatic car wash</u> <u>Towing</u> <u>Vehicle fueling</u> <u>Vehicle storage</u>	<u>Earth moving and heavy construction and transportation equipment (see Heavy Industrial)</u> <u>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</u> <u>Vehicle parts sale as a principal use (see Retail Sales and Service)</u>

**J. Water-Oriented**

Uses that require direct access to navigable waters.

<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
<u>Boat livery</u> <u>Dock or pier (commercial)</u> <u>Dry storage of boats</u> <u>Ferry/water taxi</u> <u>Marina</u> <u>Wet storage of boats (commercial)</u>	<u>Selling, leasing or rental of covered or uncovered boat slips or dock space, dry storage space, boats and boat motors, marine fuel and lubricants, bait and fishing equipment</u> <u>Repair and maintenance of boats and boat motors</u> <u>On-shore restaurants</u> <u>Small boat hauling or launching facility</u>	<u>Water park (see Outdoor Recreation)</u>

## **5.6.5 Industrial Use Categories**

### **A. Wholesale Trade**

Firms or individuals involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

<b><u>Principal Uses</u></b>	<b><u>Accessory Uses</u></b>	<b><u>Uses Not Included</u></b>
<u>Mail-order house</u> <u>Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures</u> <u>Wholesale of food, clothing, auto parts, building hardware</u> <u>Wholesale display</u> <u>Wholesale establishment</u>	<u>Associated office</u> <u>Food preparation or dining area</u> <u>Minor fabrication services</u> <u>On-site day care where children are cared for while parents or guardians are occupied on the premises</u> <u>Repackaging of goods</u> <u>Warehouse</u>	<u>Earth moving and heavy construction and transportation equipment (see Heavy Industrial)</u> <u>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</u> <u>Vehicle parts sale as a principal use (see Retail Sales and Service)</u>

### **B. Light Industrial**

Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<p><u>Armory, brewery, microbrewery/craft distillery, winery, bottling plant, bulk mailing service, catering establishment, large-scale, movie production facility</u></p> <p><u>Cannabis cultivation center</u></p> <p><u>Clothing, textile or apparel manufacturing, boot and shoe manufacturing, garment factory</u></p> <p><u>Contractors storage (indoor/outdoor) including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site, lawn, tree or garden service</u></p> <p><u>Crematorium, detention center, jail, prison</u></p> <p><u>Laundry, dry-cleaning, and carpet cleaning plants, cleaning establishment, large-scale, diaper service, linen supply</u></p> <p><u>Leather and leather products except tanning and finishing, felt and fiber articles</u></p> <p><u>Light manufacturing or assembly of equipment, instruments, or goods including musical instruments, appliances, bedding, coated-ware, medical/dental goods, orthopedic, medical appliances, precision items, optical goods, surgical products, sporting goods, office and art supplies, pottery, ceramics, electrical equipment/items, glass products, paper products (except pulp mills) printing, publishing, and lithography, production of artwork and toys, sign-making, metal products, rope, cord, twine manufacture</u></p> <p><u>Repair of scientific or professional instruments, electric motors, electrical and refrigeration equipment, research, testing, and development laboratory</u></p> <p><u>Stone, clay, concrete products</u></p> <p><u>Storage area used for manufacturing</u></p> <p><u>Trade school, heavy equipment, truck operators</u></p> <p><u>Welding, machine, tool repair shop, sheet metal shop, tool, die, and gauge manufacturing, metal stamping</u></p> <p><u>Woodworking, including cabinet makers and furniture manufacturing, lumberyard and wood products</u></p>	<p><u>Accessory medical clinic</u></p> <p><u>Associated office</u></p> <p><u>Food preparation or dining area</u></p> <p><u>On-site day care where children are cared for while parents or guardians are occupied on the premises</u></p> <p><u>Employee recreational facility</u></p> <p><u>On-site repair facility</u></p> <p><u>Residential unit for security purposes (single unit)</u></p> <p><u>Retail or wholesale sales of goods manufactured on-site</u></p>	<p><u>Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)</u></p> <p><u>Recycling facility including recyclable material storage, including construction material (see Waste-Related Service)</u></p> <p><u>Outdoor storage yard (see Warehousing and Distribution)</u></p> <p><u>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)</u></p> <p><u>Small-scale catering establishments (see Retail Sales and Service)</u></p>

**C. Warehouse and Distribution**

Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Freight, distribution facility, parcel service</u> <u>Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store</u> <u>Bus barn</u> <u>Cannabis cultivation center</u> <u>Cartage and express facility</u> <u>Postal distribution facility</u> <u>Commercial packing for fruits and vegetables</u> <u>Drop yard</u> <u>Outdoor storage yard</u> <u>Railroad switching yard, freight terminal, piggyback yard</u> <u>Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred</u> <u>Truck or motor freight terminal, service facility</u> <u>Warehouse, distribution facility</u>	<u>Associated office</u> <u>Food preparation or dining area</u> <u>On-site day care where children are cared for while parents or guardians are occupied on the premises</u> <u>Employee recreational facility</u> <u>Outdoor storage yard</u> <u>Residential unit for security purposes (single unit)</u> <u>Truck fleet parking and maintenance area</u>	<u>Bulk storage of flammable liquids (see Heavy Industrial)</u> <u>Warehouse, self-service, mini-storage</u> <u>Warehouse, indoor multi-story (see Self-Service Storage)</u> <u>Solid or liquid waste transfer station (see Waste-Related Service)</u>

**D. Heavy Industrial**

Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.



<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
<p><u>Asbestos and radioactive materials products</u>  <u>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause</u>  <u>Animal processing, packing, treating, and storage, livestock or poultry slaughtering, animal slaughter, stockyards, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, batch plant</u>  <u>Bulk storage of flammable liquids</u>  <u>Cannabis cultivation center</u>  <u>Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products</u>  <u>Commercial feed lot</u>  <u>Concrete batching and asphalt processing and manufacture, batch plant</u>  <u>Earth moving and heavy construction equipment and transportation equipment</u>  <u>Explosives</u>  <u>Gypsum manufacture, linoleum manufacturing</u>  <u>Fabricated metal products and machinery</u>  <u>Foundry, forge plant</u>  <u>Impound lot, wrecker service includes city wreckers, auto storage, automobile dismantlers and recyclers, wrecking, junk or salvage yard</u>  <u>Leather and leather products includes tanning and finishing</u>  <u>Petroleum, liquefied petroleum gas and coal products and refining</u>  <u>Primary metal manufacturing, electroplating, graphite</u>  <u>Pulp mills</u>  <u>Rubber and plastic products, rubber manufacturing</u>  <u>Scrap metal processors</u>  <u>Sawmill, pulp mill</u>  <u>Secondary materials dealers</u>  <u>Tire recapping</u>  <u>Tobacco products</u>  <u>Transportation equipment</u></p>	<p><u>Associated office</u>  <u>Food preparation or dining area</u>  <u>Product repair</u>  <u>Repackaging of goods</u>  <u>Warehouse, storage</u>  <u>Residential Unit for Security purposes (single unit)</u></p>	<p><u>Animal waste processing (see Waste-Related Service)</u>  <u>Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)</u>  <u>Recycling facility including recyclable material storage, including construction material (see Waste-Related Service)</u>  <u>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)</u></p>

**E. Waste-Related Service**

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Animal waste processing</u> <u>Garbage or refuse collection service (office and truck fleet)</u> <u>Landfill, sanitary</u> <u>Landfill, construction</u> <u>Manufacture and production of goods from composting organic material</u> <u>Recycling facility including recyclable material storage, including construction material</u> <u>Recycling drop-off facility</u> <u>Solid or liquid waste transfer station</u>	<u>Associated office</u> <u>On-site refueling and repair</u> <u>Recycling of material</u> <u>Repackaging and shipment of by-products</u>	<u>Stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)</u>

### **5.6.6 Open Use Categories**

#### **A. Agriculture**

Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Aviary</u> <u>Commercial fishing</u> <u>Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development</u> <u>Crop, soil preparation, agricultural services, large animal and veterinary services</u> <u>Farm labor and management services Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture</u> <u>Fish hatcheries and preserves</u> <u>Floriculture</u> <u>Grain, fruit, field crop and vegetable cultivation and storage</u> <u>Hunting, trapping and game propagation</u> <u>Livestock, horse, dairy, poultry and egg products</u> <u>Livestock auction</u> <u>Milk processing plant</u> <u>Packing house for fruits or vegetables, orchards</u> <u>Poultry slaughtering and dressing</u> <u>Retail or wholesale sales of agriculturally-related supplies and equipment</u> <u>Timber tracts, forest nursery gathering of forest products</u>	<u>Aircraft landing field or helicopter landing facility (private)</u> <u>Associated offices</u> <u>Auction ring</u> <u>Barns, garages, sheds, silos, stables (noncommercial)</u> <u>Dish antenna under 1 meter</u> <u>Dock or pier (noncommercial)</u> <u>Housing for ranch or farm labor, including manufactured homes</u> <u>Sale of agricultural products</u> <u>U-pick facilities</u>	<u>Animal waste processing (see Waste-Related Service)</u> <u>Animal processing, packing, treating, and storage, livestock or poultry slaughtering, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing (see Heavy Industrial)</u> <u>Botanical garden, nature preserve, recreational trail, game preserve, wildlife management area, refuge, animal sanctuary (see Parks and Open Area)</u> <u>Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)</u> <u>Greenhouse or nursery, commercial, garden center (see Retail Sales and Service)</u> <u>Horse stable, riding academy (see Outdoor Recreation)</u>

**B. Resource Extraction**

Characterized by uses that extract minerals and other solids and liquids from land.

<u>Principal Uses</u>	<u>Accessory Uses</u>	<u>Uses Not Included</u>
<u>Dredging, earth extraction, clearing or grading (timber cutting)</u> <u>Extraction of phosphate or minerals</u> <u>Extraction of sand or gravel, borrow pit</u> <u>Metal, sand stone, gravel clay, mining and other related processing</u> <u>Stockpiling of sand, gravel, or other aggregate materials</u>	<u>Associated offices</u> <u>Equipment storage</u> <u>Resource processing</u>	<u>Concrete batching and asphalt processing and manufacture, batch plant (see Heavy Industrial)</u> <u>Recycling facility including recyclable material storage, including construction material, solid or liquid waste transfer station (see Waste-Related Service)</u>

## **6.0 FORM DISTRICTS**

### **6.1 GENERAL PROVISIONS**

#### **6.1.1 Guiding Principles**

- A** Buildings are aligned and close to the street. Buildings form the space of the street.
- B** The street is a coherent space, with consistent building forms on both sides. This agreement of buildings facing across the street-space contributes to a clear public space and street-space identity.
- C** Buildings oversee the street-space with active fronts. This overview of the street-space contributes to vital and safe public space.
- D** Property lines are physically defined by buildings, walls, or fences. Land should be clearly public or private—in public view and under surveillance or private and protected.
- E** Buildings are designed for towns and cities. Rather than being simply pushed closer together, as in many suburban developments, buildings must be designed for the urban situation within towns and cities. Views are directed to the street-space and interior gardens/court-yards, not into neighboring lots.
- F** Vehicle storage/parking, (not including on-street parking), garbage and mechanical equipment are kept away from the street-space.

#### **6.1.2 Intent**

- A.** The Form Districts are designed to foster a series of vibrant mixed-use form districts—the Warehouse District, West Main, Sheridan Triangle, and Prospect Road—within the historic core of the City (the boundaries of each form district can be found in 6.2 through 6.5). These are districts intended to promote traditional urban form and a lively mix of uses. These districts are intended to allow for shopfronts, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and canopy shade trees, overlooked by upper story residences and offices. -
- B.** Redevelopment within the Form Districts shall be regulated as set forth below in order to achieve the vision set forth in the Heart of Peoria Plan. This Chapter provides the specific means to guide implementation of the citizen-endorsed vision for the development and redevelopment of all properties in the Form Districts.

#### **6.1.3 Conflicting Provisions**

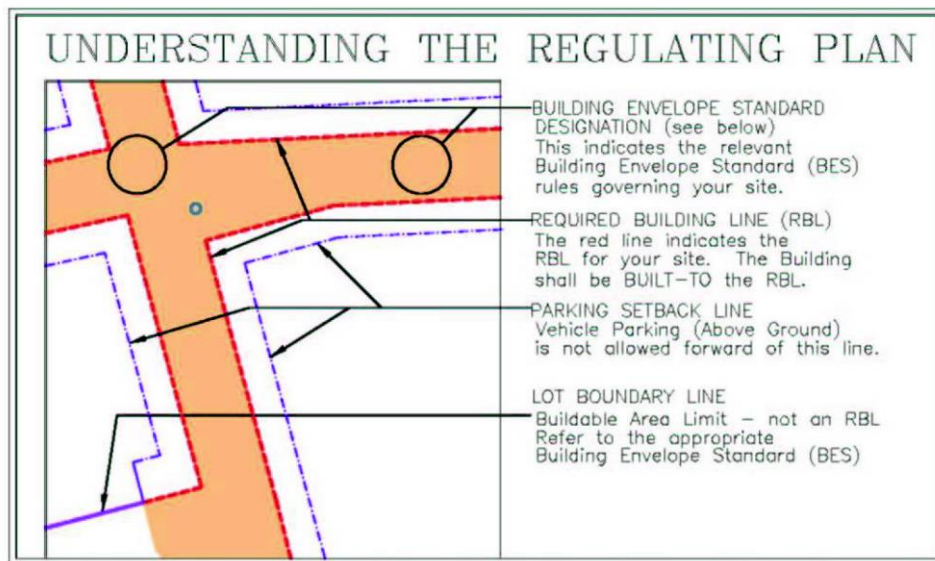
Wherever there appears to be a conflict between this Chapter and other requirements of this development code, the requirements specifically set forth in this Chapter shall prevail. For development standards not covered in this Chapter, additional standards may also apply.

#### **6.1.4 Components of this Section**

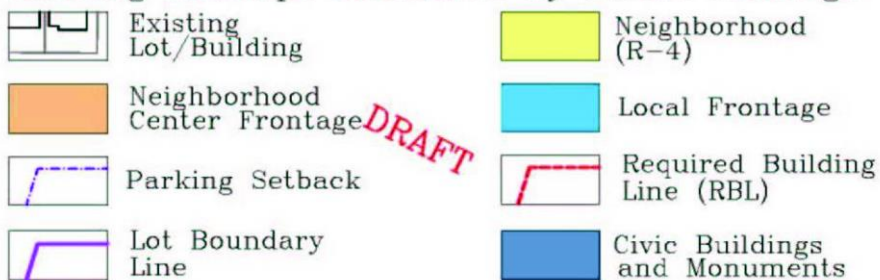
The Section is comprised of Form District Regulating Plans and Building Envelope Standards, Architectural Standards, Street Specifications, Streetscape Standards and Parking Requirements as described below.

##### **A. Regulating Plans**

- 1.** A regulating plan provides standards for the disposition of each property or lot and illustrates how each relates to the adjacent properties and street-space. The regulating plan is the coding key for the Form District that provides specific information on permitted development for each property.
- 2.** The regulating plan identifies the building envelope standards for all building sites within each Form District. The regulating plan also shows how each lot relates to public spaces (street-space, civic greens, pedestrian pathways, etc.) and the surrounding neighborhood. There may be additional regulations for lots in special locations as identified on the specific regulating plan. The key below explains the elements of the regulating plan and serves as a reference when examining the regulating plan.
- 3.** Full-scale regulating plans are available for review at the Community Development Department.



### Building Envelope Standards by Street Frontage



Illustrated Regulating Plan - Properties are coded by their street frontage

**B. Building Envelope Standards**

1. The building envelope standards establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain required or permitted building elements, such as shopfronts, doors, windows, balconies, and street walls. The building envelope standards establish both the boundaries within which things may be done and specific things that must be done. The applicable building standard for a lot or parcel is determined by its street frontage, as designated on the regulating plan. The building envelope standards also include broad parameters for use.
2. The intent of the building envelope standards is to shape vital public space throughout each Form District through placement and envelope controls on buildings that frame the street-space. The standards aim for the minimum level of control necessary to meet that goal.

**C. Architectural Standards**

The goal of the architectural standards is to promote a coherent and pleasing architectural character that is complementary to the best regional traditions. The standards govern a building's architectural elements regardless of its building envelope standard and set the parameters for allowable materials, configurations, and construction techniques. Equivalent or better products than those specified are always encouraged and may be submitted for approval to the City.

**D. Street Specifications**

The street-type specifications illustrate typical configurations for streets within the Form Districts. Specifications address vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, pedestrian crossing distances, and on-street parking configurations.

**E. Streetscape Standards**

The streetscape standards are intended to ensure coherent street-space and to assist builders and owners with understanding the relationship between the public space of the form district and their own building. These standards set the parameters for the placement of street trees and other amenities or appurtenances (e.g., benches, signs, street lights, etc.) on or near each building site and are coordinated with the street specifications.

**F. Parking Requirements** The goals of the parking requirements are to:

1. Promote a "park once" environment that will enable people to conveniently park and access a variety of commercial and civic enterprises in pedestrian friendly environments by encouraging shared parking.
2. Reduce fragmented, uncoordinated, inefficient, single-purpose reserved parking.
3. Avoid adverse parking impacts on neighborhoods adjacent to the form districts.
4. Maximize on-street parking.
5. Increase visibility and accessibility of publicly available parking.
6. Provide flexibility for redevelopment of small sites.
7. Promote early prototype projects using flexible and creative incentives.
8. Incorporate convenient bicycle parking.

### **6.1.5 How to Use this Code**

In order to understand what this Section allows on property within each district in question, there are four basic steps. This information explains where the building will sit on the site, the parameters for its three dimensional form, the range of allowable uses, and the palette of materials that will cover it.

- A. Look at the regulating plan (available on the City's website or from the Community Development Department). Find the property. Note the required building line and the parking setback line. Note the color of the fronting street-space - this determines the building envelope standards for buildings fronting that street (shown in Sections 6.2, 6.3, 6.4 and 6.5).
- B. Look at the appropriate building envelope standards pages. These pages will tell you the regulations for building on this site in terms of Height, Siting, Elements, and Use. Note: proposed encroachments into the public right-of-way must obtain approval pursuant to Section 26-11 of the City Code which includes above and below ground encroachments.
- C. Look at the architectural standards section to understand the parameters for the external building materials and architectural configurations.
- D. Additional information regarding the street-space is located in the street type specifications and the streetscape standards. These will show the prescriptions for the character of the street-space including vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations.
- E. A property seeking a building expansion, façade alteration, or other modification to existing structures or parking areas, which includes waivers of form district regulations, must apply for a Special Use pursuant to 2.9.

### **6.1.6 Rules for New Development**

**A. Blocks/Alleys**

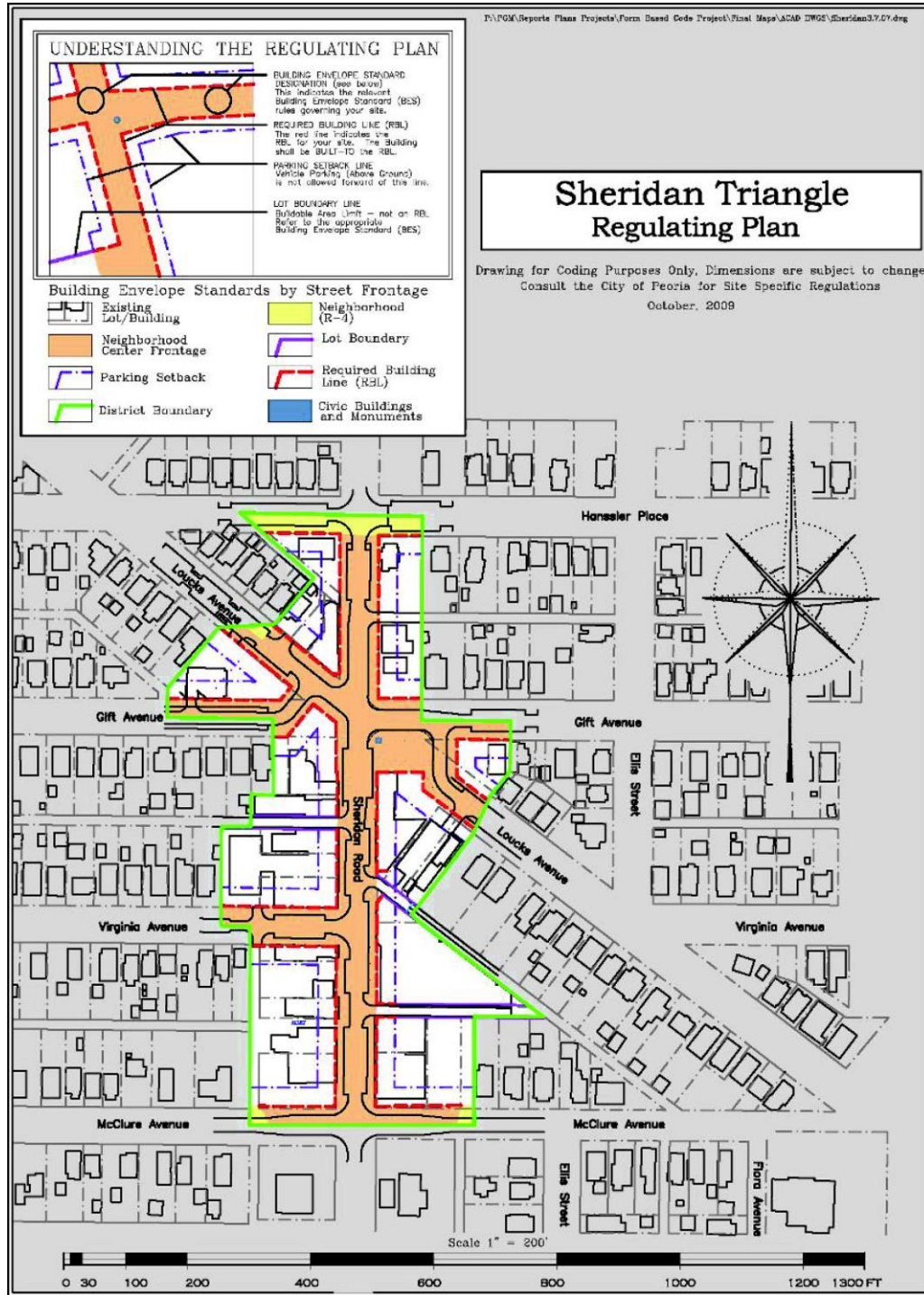
1. All lots shall share a frontage line with a street-space.
2. All lots and/or all contiguous lots shall be considered to be part of a block for this purpose. No block face shall have a length greater than 400 feet without an alley, common drive or access easement, or pedestrian pathway providing through-access to another street, alley, common access easement, or street-space. Individual lots with less than 99 feet of frontage are exempt from the requirement to interrupt the block face; those with over 250 feet of frontage shall meet the requirement within their lot, unless already satisfied within that block face.
3. Curb cuts shall be limited to no more than one per 200 feet of street frontage, except where otherwise designated on the regulating plan.
4. Where designated on the regulating plan:
  - a. Alleys shall provide access to the rear of all lots. Alley construction is required as part of the redevelopment project within the rear setback, unless an alley already exists. Alleys shall be constructed to meet the City construction standards in order to be suitable for emergency and service vehicle access.

- b. Where an alley does not exist and is not constructed at the time of redevelopment of any property, the applicant is required to dedicate the alley right of way within the rear setback to the City, build the alley, maintain the area within the rear setback by, at a minimum:
  - i Sodding and providing routine landscape maintenance to the area.
  - ii Keeping the area clear of debris, stored materials, and vehicles.

**B. B. Buildings**

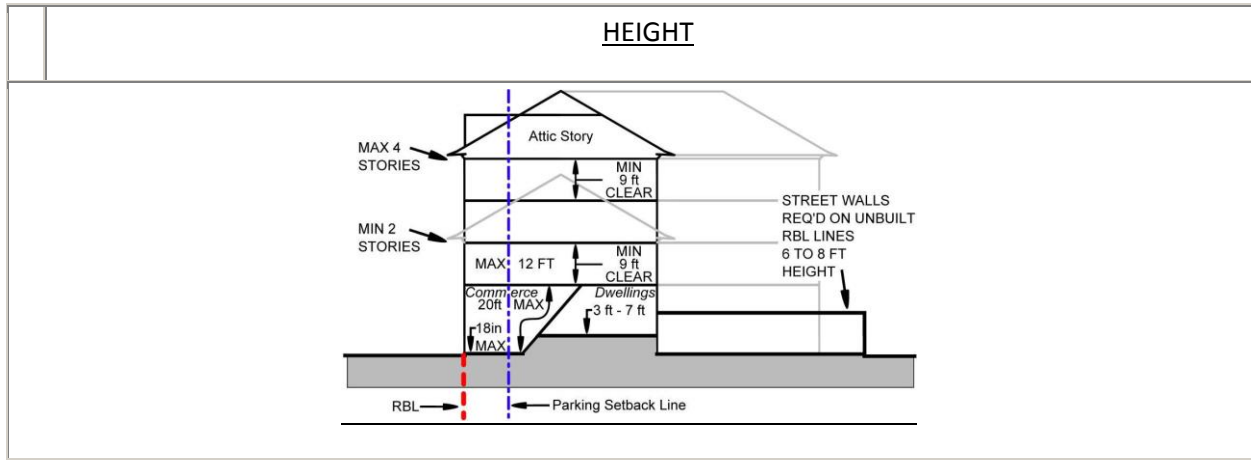
1. The maximum building floor-plate (footprint) is 50,000 square feet; beyond that limit a special use permit is necessary.
2. For each block face, buildings along the required building line shall present a complete and discrete vertical façade composition (i.e., a new façade design) at an average street frontage length of no greater than 60 feet for neighborhood center sites; or 75 feet for general and local sites. Each façade composition shall include a functioning, primary street-space entry. This requirement may be satisfied through the use of liner shops for large floor-plate buildings. For individual infill projects on lots with frontage of less than 100 feet, only a single façade composition is required.
3. When the building envelope standard designation changes along a street frontage, the property owner has the option of applying either building envelope standards for a maximum additional distance of 75 feet in either direction along that frontage.

## 6.2 SHERIDAN TRIANGLE





**A. Sheridan Triangle - Neighborhood Center**



**1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 2 stories in height, but no greater than 4 stories in height, except as otherwise provided on the Regulating Plan.
- c. An attic story shall not count against the maximum story height.

**2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the buildings eave or parapet height.

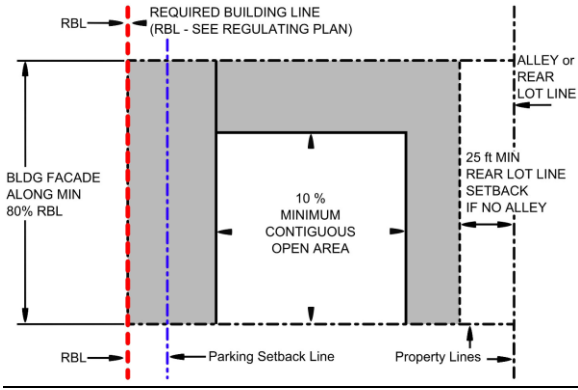
**3. Ground Story Height: Commerce Uses**

- a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
- b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
- c. The maximum story height for the ground story is 20 feet.

**4. Ground Story Height: Residential Units**

	<u>a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.</u>
	<u>b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.</u>
<u>5.</u>	<u>Upper Story Height</u>
	<u>a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.</u>
	<u>b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.</u>
<u>6.</u>	<u>Mezzanines</u>
	<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.</u>
<u>7.</u>	<u>Street Wall Height</u>
	<u>a. A street wall not less than 6 feet in height or greater than 8 feet in height shall be required along any required building line frontage that is not otherwise occupied by the principal building on the lot.</u>
	<u>b. The height of the street wall shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.</u>
<u>8.</u>	<u>Other</u>
	<u>Where a Neighborhood Center site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the Neighborhood Center site shall be 32 feet. This requirement shall supersede the minimum story height requirement.</u>

**SITING**



**9.** **Street Façade**

**a. On each lot the building façade shall be built to the required building line for at least 80% of the required building line length.**

**b. The building façade shall be built to the required building line (RBL) within 30 feet of a block corner.**

**c. These portions of the building façade (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.**

**10.** **Buildable Area**

**a. Buildings may occupy the portion of the lot specified by these building envelope standards.**

**b. A contiguous open area equal to at least 10% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, at grade.**

**c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.**

**11.** **Side Lot Setbacks**

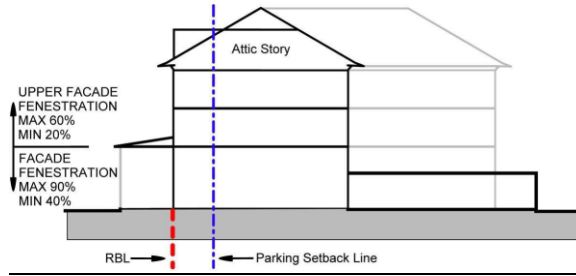
**On a lot where a common lot line is shared with a property located within a single-family residential zoning district, the principal building shall be set back at least 10 feet from the shared lot line.**

**12.** **Garage and Parking**

	<u>a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>
	<u>b. Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>13.</u>	<u>Alleys</u>
	<u>There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.</u>
<u>14.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>
<u>15.</u>	<u>Unbuilt Required Building Line and Common Lot Line Treatment</u>
	<u>a. A street wall shall be required along any required building line frontage that is not otherwise occupied by a building. The street wall shall be located not more than 8 inches behind the required building line.</u>
	<u>b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.</u>
	<u>c. Where a Neighborhood Center site abuts an R-4 property, a garden wall/street wall, 4 to 6 feet in height, shall be constructed within 1 foot of the R-4 property.</u>

**B. Sheridan Triangle - Neighborhood Center**

**ELEMENTS**



**1.**

**Windows and Doors**

a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.

b. Windows and Doors on the ground story façades shall comprise at least 40%, but not more than 90%, of the façade area (measured as a percentage of the façade between floor levels).

c. Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).

**2.**

**Building Projections**

a. Balconies and stoops shall not project closer than 5 feet to a common lot line.

b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.

c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees.)

d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.

e. Awnings may have supporting posts at their outer edge provided that they:

f. Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awnings.

g. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the sidewalk cover columns/posts.

**3.**

**Doors/Entries**

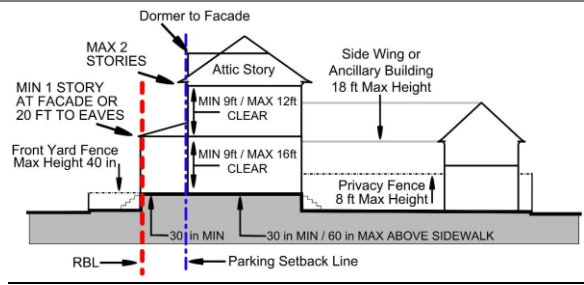
	<u>Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 60 linear feet.</u>
4.	<u>Street Walls</u>
	<u>A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.</u>

	<u>USE</u>
	<p>The diagram shows a cross-section of a building with three main levels above the ground. The top level is labeled 'Attic Story' and is under a gabled roof. Below it are two levels: the first is labeled 'Residential or Commerce' with an upward-pointing arrow, and the second is labeled 'Commerce or Residential' with a downward-pointing arrow. The ground level is marked with a red dashed line labeled 'RBL' and a blue dashed line labeled 'Parking Setback Line'. The building has a stepped profile, with the upper levels being narrower than the ground story.</p>
5.	<u>Ground Story</u>
	<u>The ground story shall house commerce or residential uses. See Height specifications above for specific requirements unique to each use.</u>
6.	<u>Upper Stories</u>
	<u>a. The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.</u>
	<u>b. No commerce use is permitted above a residential use.</u>
	<u>c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
7.	<u>Permitted Uses</u>
	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>

	<u>b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6.</u>
	<u>c. Use Standards as stated in Section 5.3 shall be applicable.</u>

**C. Sheridan Triangle - R-4**

**HEIGHT**



**1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be no greater than 2 stories in height, except as otherwise provided on the Regulating Plan.
- c. An attic story shall not count against the maximum story height.

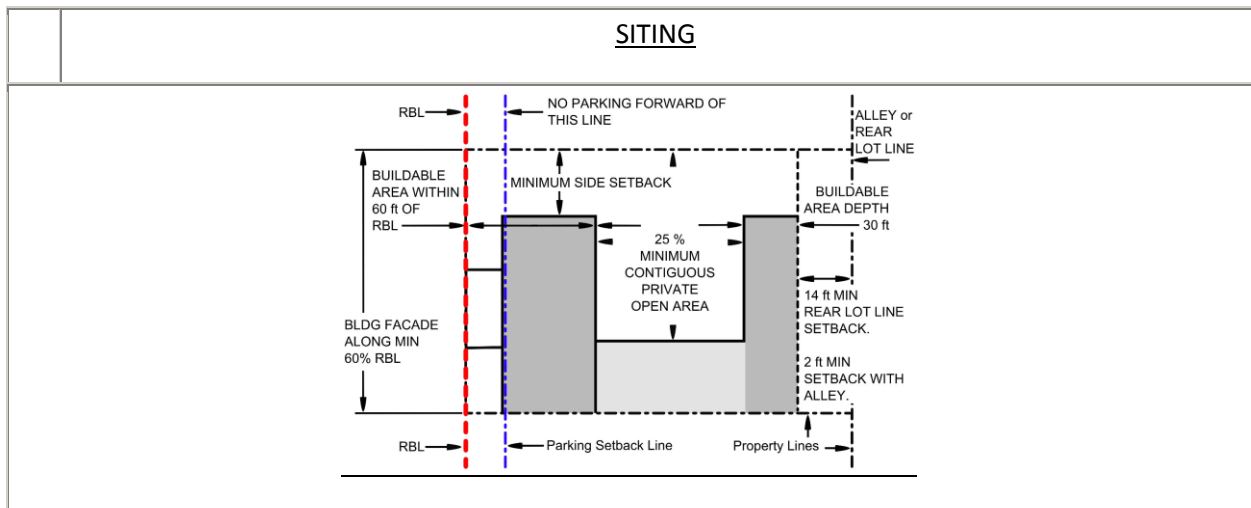
**2. Ground Story Height**

- a. The finished floor elevation shall be no less than 30 inches and no more than 60 inches above the exterior sidewalk elevation at the required building line.
- b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 16 feet.

**3. Upper Story Height**

- a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.

	<u>b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.</u>
<u>4.</u>	<u>Fence Height</u>
	<u>a. A front yard fence is allowed to a maximum height of 40 inches.</u>
	<u>b. A privacy fence not more than 8 feet in height is allowed along any common lot line that is behind the RBL/building façade and is not otherwise occupied by a building.</u>



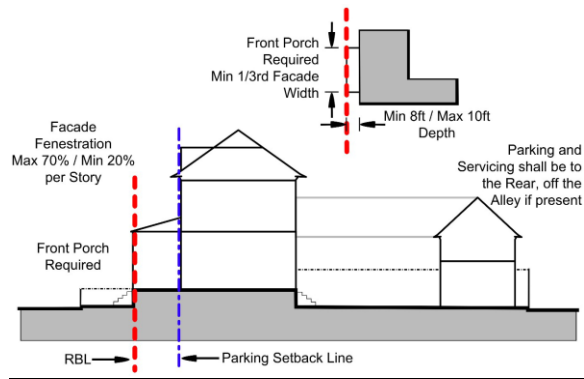
<u>5.</u>	<u>Street Façade</u>
	<u>a. On each lot the building façade shall be built parallel to the required building line for at least 60% of the required building line (RBL) length.</u>
	<u>b. The front porch shall be built to the RBL.</u>
	<u>c. Within 20 feet of a block corner, the building façade shall be 8 to 10 feet behind the RBL.</u>

<u>6.</u>	<u>Buildable Area</u>
	<u>a. Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	<u>b. A contiguous open area equal to at least 25% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, at grade.</u>
	<u>c. No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.</u>



<u>7.</u>	<u>Side Lot Setbacks</u>
	<u>The minimum side lot setback is 15 feet total, with a minimum of 5 feet per side, or as otherwise designated on the regulating plan.</u>
<u>8.</u>	<u>Garage and Parking</u>
	<u>a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>
	<u>b. Private garage entries shall not be located on the RBL/façade.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>9.</u>	<u>Alleys</u>
	<u>There is a 2 foot required setback from alleys. On lots having no alley access, there shall be a minimum setback of 14 feet from the rear lot line.</u>
<u>10.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>

	<b><u>D. Sheridan Triangle - R-4</u></b>
	<u>ELEMENTS</u>



1.

Windows and Doors

a. Blank lengths of wall exceeding 15 linear feet are prohibited on all required building lines.

b. Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 70%, of the façade area (measured as a percentage of the façade between floor levels).

2.

Building Projections

a. Each lot shall include a front porch at the RBL, between 8 and 10 feet deep with a width not less than 1/3 of the façade width.

b. No part of any building, except the front porch roof (overhanging eaves) and steps shall encroach beyond the required building line.

3.

Doors/Entries

Functioning entry door(s) shall be provided along ground story façades of each building.

4.

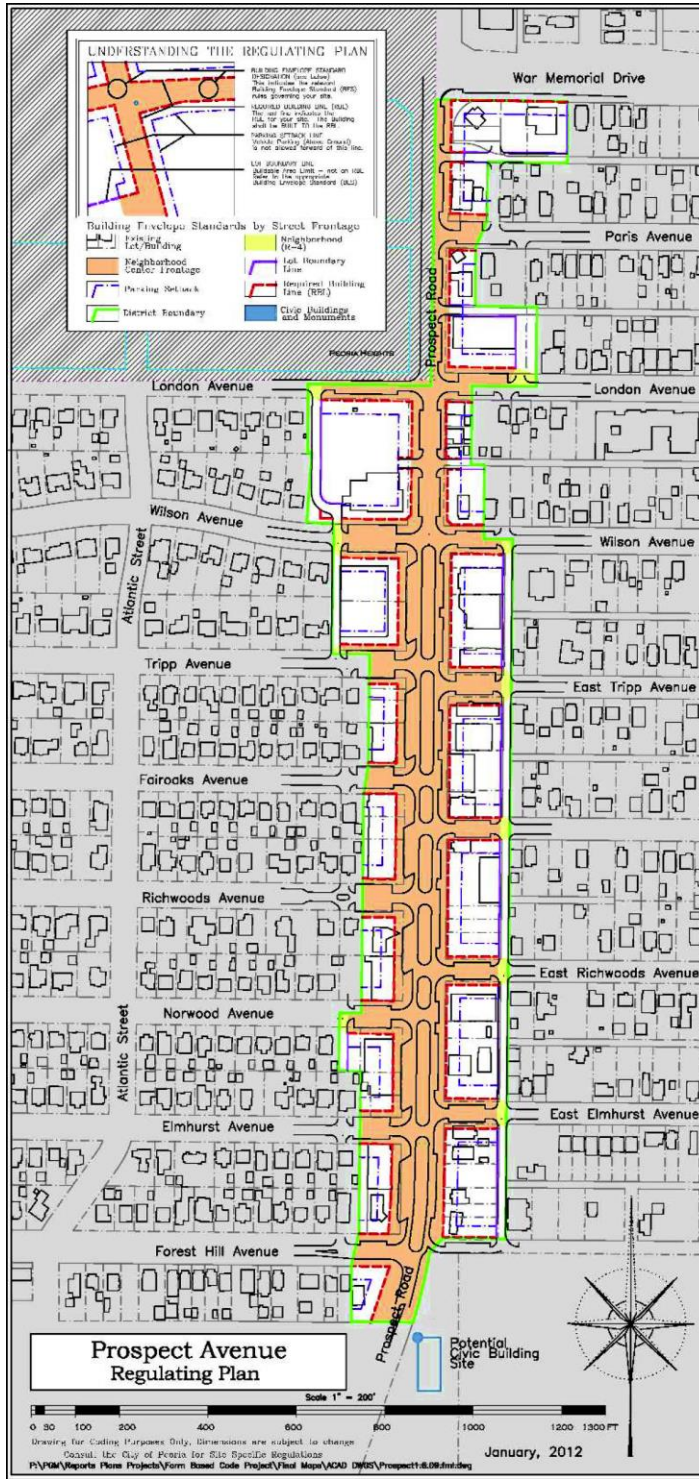
Street Walls

a. There is no street wall requirement.

b. A privacy fence may be constructed along a common lot line behind the RBL.

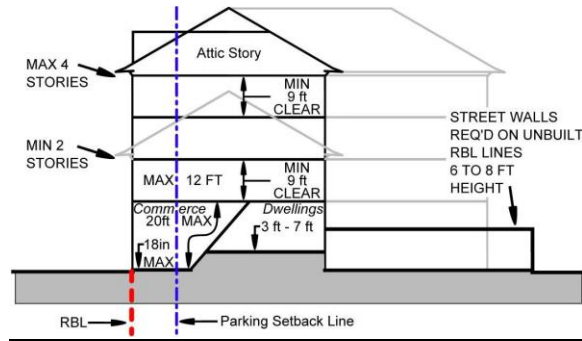
	<u>USE</u>
5.	<u>Ground Story</u>
	<u>The ground story shall house residential or home office uses.</u>
6.	<u>Upper Stories</u>
	<p>a. <u>The upper stories shall house residential or home office uses.</u></p> <p>b. <u>Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u></p>
7.	<u>Permitted Uses</u>
	<p>a. <u>Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u></p> <p>b. <u>Conversion of primary structure single-family units for multiple-family use is prohibited.</u></p> <p>c. <u>Use Standards as stated in Section 5.3 shall be applicable.</u></p>
8.	<u>Accessory Uses</u>
	<u>a. Parking and accessory unit (maximum 650 square feet) are permitted in the buildable area at the rear of the lot.</u>

## 6.3 PROSPECT ROAD



**A. Prospect Road - Neighborhood Center**

**HEIGHT**



**1. Building Height**

a. The height of the principal building is measured in stories.

b. Each principal building shall be at least 2 stories in height, but no greater than 4 stories in height, except as otherwise provided on the regulating plan.

c. An attic story shall not count against the maximum story height.

**2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the buildings eave or parapet height.

**3. Ground Story Height: Commerce Uses**

a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.

b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.

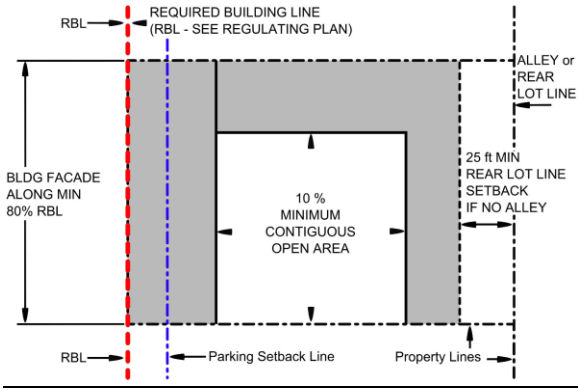
c. The maximum story height for the ground story is 20 feet.

**4. Ground Story Height: Residential Units**

a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.

	<u>b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.</u>
5.	<u>Upper Story Height</u>
	<u>a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.</u>
	<u>b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.</u>
6.	<u>Mezzanines</u>
	<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.</u>
7.	<u>Street Wall Height</u>
	<u>a. A street wall not less than 6 feet in height or greater than 8 feet in height shall be required along any required building line frontage that is not otherwise occupied by the principal building on the lot.</u>
	<u>b. The height of the street wall shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.</u>
8.	<u>Other</u>
	<u>Where a Neighborhood Center site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the Neighborhood Center site shall be 32 feet. This requirement shall supersede the minimum story height requirement.</u>

**SITING**



9. **Street Façade**

- a. On each lot the building façade shall be built to the required building line for at least 80% of the required building line (RBL) length.
- b. The building façade shall be built to the required building line within 30 feet of a block corner.
- c. These portions of the building façade (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

10. **Buildable Area**

- a. Buildings may occupy the portion of the lot specified by these building envelope standards.
- b. A contiguous open area equal to at least 10% of the total buildable area shall be preserved on every lot. such contiguous open area may be located anywhere behind the parking setback, at grade.
- c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.

11. **Side Lot Setbacks**

On a lot where a common lot line is shared with a property located within a single-family residential zoning district, the principal building shall be set back at least 10 feet from the shared lot line.

12. **Garage and Parking**

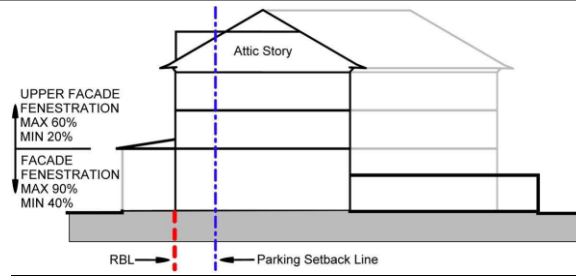
- a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.

	<u>b. Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>13.</u>	<u>Alleys</u>
	<u>There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.</u>
<u>14.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>
<u>15.</u>	<u>Unbuilt Required Building Line and Common Lot Line Treatment</u>
	<u>a. A street wall shall be required along any required building line frontage that is not otherwise occupied by a building. The street wall shall be located not more than 8 inches behind the required building line.</u>
	<u>b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.</u>
	<u>c. Where a Neighborhood Center site abuts an R-4 property, a garden wall/street wall, 4 to 6 feet in height, shall be constructed within 1 foot of the R-4 property.</u>



**B. Prospect Road - Neighborhood Center**

**ELEMENTS**



**1.**

**Windows and Doors**

**a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.**

**b. Windows and Doors on the ground story façades shall comprise at least 40%, but not more than 90%, of the façade area situated between 2 and 10 feet above the adjacent public sidewalk on which the façade fronts.**

**c. Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).**

**2.**

**Building Projections**

**a. Balconies and stoops shall not project closer than 5 feet to a common lot line.**

**b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.**

**c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees).**

**d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.**

**e. Awnings may have supporting posts at their outer edge provided that they:**

**f. Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awnings.**

**g. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the sidewalk cover columns/posts.**

**3.**

**Doors/Entries**

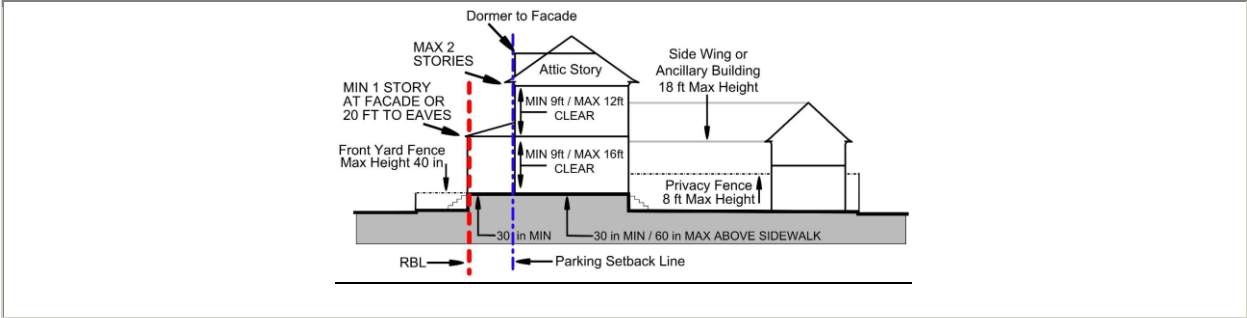
	<u>Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 60 linear feet.</u>
4.	<u>Street Walls</u>
	<u>A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.</u>

	<u>USE</u>
	<p>The diagram shows a building cross-section with four levels: an Attic Story at the top, followed by three main stories. The first two main stories are labeled 'Residential or Commerce' with an upward arrow, and the third main story is labeled 'Commerce or Residential' with a downward arrow. A red dashed line on the left is labeled 'RBL' (Right-of-Way Line), and a blue dashed line is labeled 'Parking Setback Line'. The building has a gabled roof for the attic story and a lower roof for the main structure.</p>
5.	<u>Ground Story</u>
	<u>The ground story shall house commerce or residential uses. See Height specifications above for specific requirements unique to each use.</u>
6.	<u>Upper Stories</u>
	<u>a. The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.</u>
	<u>b. No commerce use is permitted above a residential use.</u>
	<u>c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
7.	<u>Permitted Uses</u>
	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>

	<p><u>b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6.</u></p>
	<p><u>c. Use Standards as stated in Section 5.3 shall be applicable.</u></p>

**C. Prospect Road - R-4**

HEIGHT



1. Building Height

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be no greater than 2 stories in height, except as otherwise provided on the Regulating Plan.
- c. An attic story shall not count against the maximum story height.

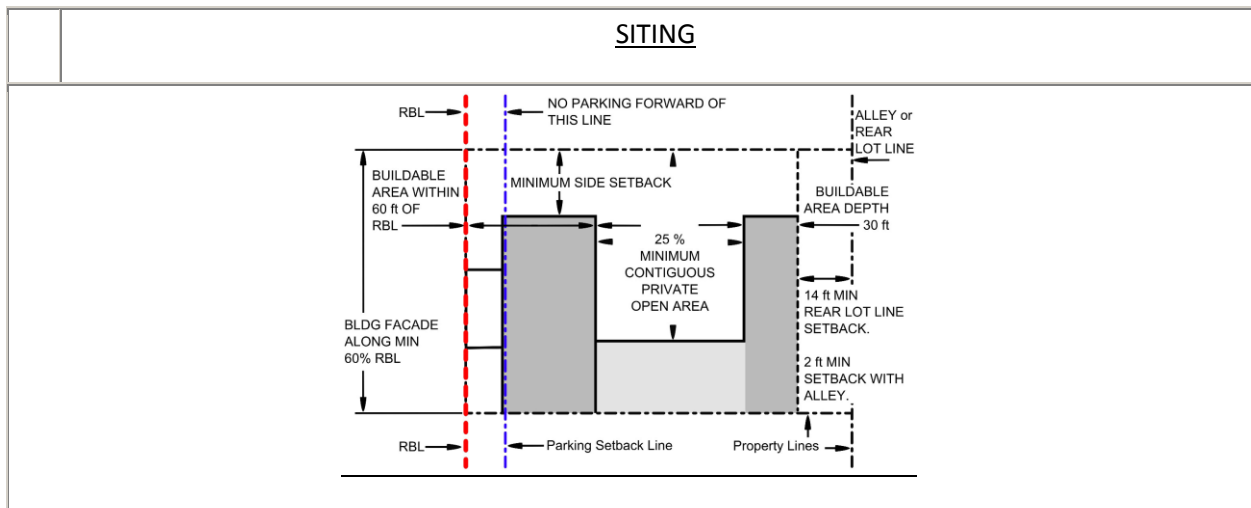
2. Ground Story Height

- a. The finished floor elevation shall be no less than 30 inches and no more than 60 inches above the exterior sidewalk elevation at the required building line.
- b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 16 feet.

3. Upper Story Height

- a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.

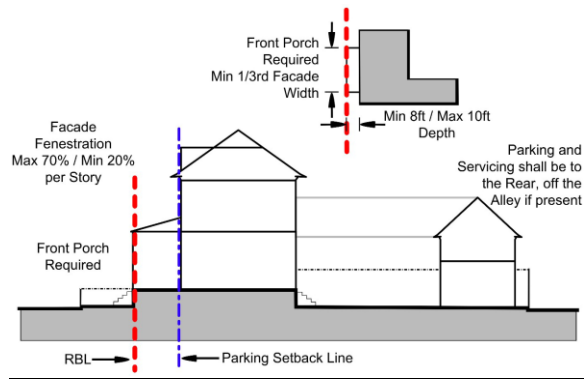
	<u>b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.</u>
<u>4.</u>	<u>Fence Height</u>
	<u>a. A front yard fence is allowed to a maximum height of 40 inches.</u>
	<u>b. A privacy fence not more than 8 feet in height is allowed along any common lot line that is behind the RBL/building façade and is not otherwise occupied by a building.</u>



<u>5.</u>	<u>Street Façade</u>
	<u>a. On each lot the building façade shall be built parallel to the required building line for at least 60% of the required building line (RBL) length.</u>
	<u>b. The front porch shall be built to the RBL.</u>
	<u>c. Within 20 feet of a block corner, the building façade shall be 8 to 10 feet behind the RBL.</u>
<u>6.</u>	<u>Buildable Area</u>
	<u>a. Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	<u>b. A contiguous open area equal to at least 25% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, at grade.</u>
	<u>c. No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.</u>

<u>7.</u>	<u>Side Lot Setbacks</u>
	<u>The minimum side lot setback is 15 feet total, with a minimum of 5 feet per side, or as otherwise designated on the regulating plan.</u>
<u>8.</u>	<u>Garage and Parking</u>
	<u>a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>
	<u>b. Private garage entries shall not be located on the RBL/façade.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>9.</u>	<u>Alleys</u>
	<u>There is a 2 foot required setback from alleys. On lots having no alley access, there shall be a minimum setback of 14 feet from the rear lot line.</u>
<u>10.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>

	<b><u>D. Prospect Road - R-4</u></b>
	<u>ELEMENTS</u>



1.

Windows and Doors

a. Blank lengths of wall exceeding 15 linear feet are prohibited on all required building lines.

b. Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 70%, of the façade area (measured as a percentage of the façade between floor levels).

2.

Building Projections

a. Each lot shall include a front porch at the RBL, between 8 and 10 feet deep with a width not less than 1/3 of the façade width.

b. No part of any building, except the front porch roof (overhanging eaves) and steps shall encroach beyond the required building line.

3.

Doors/Entries

Functioning entry door(s) shall be provided along ground story façades of each building.

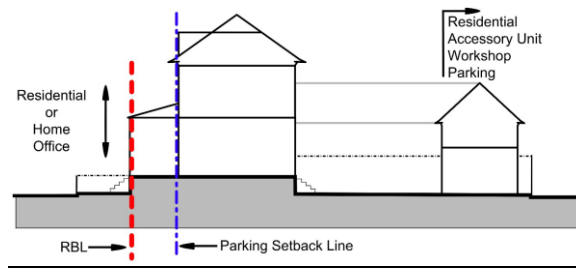
4.

Street Walls

a. There is no street wall requirement.

b. A privacy fence may be constructed along a common lot line behind the RBL.

USE



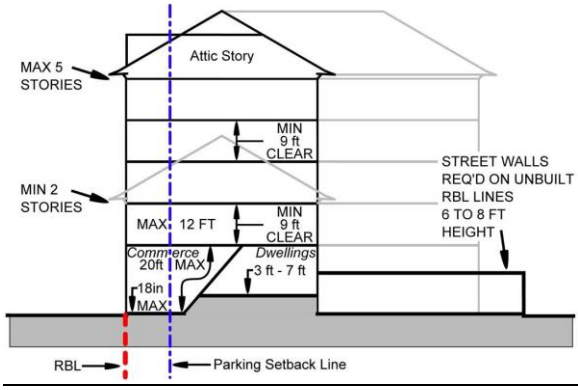
5.	<u>Ground Story</u>
	<u>The ground story shall house residential or home office uses.</u>
6.	<u>Upper Stories</u>
	<u>a. The upper stories shall house residential or home office uses.</u>
	<u>b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
7.	<u>Permitted Uses</u>
	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>
	<u>b. Conversion of primary structure single-family units for multiple-family use is prohibited.</u>
	<u>c. Use Standards as stated in Section 5.3 shall be applicable.</u>
8.	<u>Accessory Uses</u>
	<u>a. Parking and accessory unit (maximum 650 square feet) are permitted in the buildable area at the rear of the lot.</u>

**6.4 WEST MAIN**





**HEIGHT**



**1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 2 stories in height, but no greater than 5 stories in height, except as otherwise provided on the regulating plan.
- c. An attic story shall not count against the maximum story height.

**2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the buildings eave or parapet height.

**3. Ground Story Height: Commerce Uses**

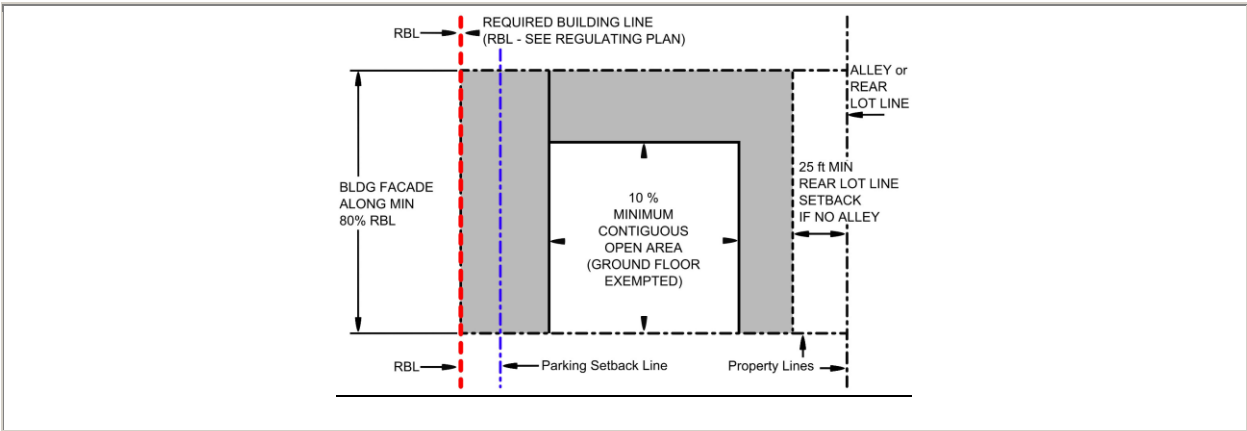
- a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of eighteen 18 inches above the sidewalk.
- b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
- c. The maximum story height for the ground story is 20 feet.

**4. Ground Story Height: Residential Units**

- a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.
- b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.

5.	<u>Upper Story Height</u>
	a. <u>The maximum floor-to-floor story height for stories other than the ground story is 12 feet.</u>
	b. <u>At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.</u>
6.	<u>Mezzanines</u>
	<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.</u>
7.	<u>Street Wall Height</u>
	a. <u>A street wall not less than 6 feet in height or greater than 8 feet in height shall be required along any required building line frontage that is not otherwise occupied by the principal building on the lot.</u>
	b. <u>The height of the street wall shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.</u>
8.	<u>Other</u>
	<u>Where a West Main Center site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the West Main Center site shall be 32 feet. This requirement shall supersede the minimum story height requirement.</u>

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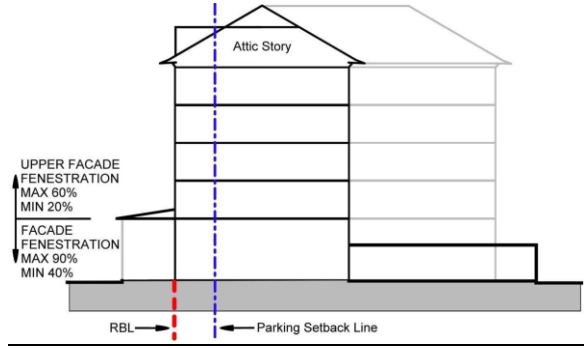


9.	<u>Street Façade</u>
	a. <u>On each lot the building façade shall be built to the required building line for at least 80% of the required building line (RBL) length.</u>
	b. <u>The building façade shall be built to the required building line within 30 feet of a block corner. The ground floor façade, within 7 feet of the block corner may be chamfered to form a corner entry.</u>
	c. <u>These portions of the building façade (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.</u>
10.	<u>Buildable Area</u>
	a. <u>Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	b. <u>A contiguous open area equal to at least 10% of the total buildable area shall be preserved on every lot. such contiguous open area may be located anywhere behind the parking setback, either at grade or at the second story.</u>
	c. <u>No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.</u>
11.	<u>Side Lot Setbacks</u>
	There are no side lot setbacks except: <u>on a lot where a common lot line is shared with a property located within a single-family residential zoning district, the principal building shall be set back at least 10 feet from the shared lot line.</u>
12.	<u>Garage and Parking</u>
	a. <u>Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>

	<u>b. Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>13.</u>	<u>Alleys</u>
	<u>There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.</u>
<u>14.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>
<u>15.</u>	<u>Unbuilt Required Building Line and Common Lot Line Treatment</u>
	<u>a. A street wall shall be required along any required building line frontage that is not otherwise occupied by a building. The street wall shall be located not more than 8 inches behind the required building line.</u>
	<u>b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.</u>
	<u>c. Where a West Main Center site abuts an R-4 property, a garden wall/street wall, 4 to 6 feet in height, shall be constructed within 1 foot of the R-4 property.</u>

	<b><u>B. West Main - Neighborhood Center</u></b>
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ELEMENTS



1.

Windows and Doors

a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.

b. Windows and Doors on the ground story façades shall comprise at least 40%, but not more than 90%, of the façade (measured as a percentage of the façade between floor levels).

c. Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).

2.

Building Projections

a. Balconies and stoops shall not project closer than 5 feet to a common lot line.

b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.

c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees).

d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet.

e. Awnings may have supporting posts at their outer edge provided that they:

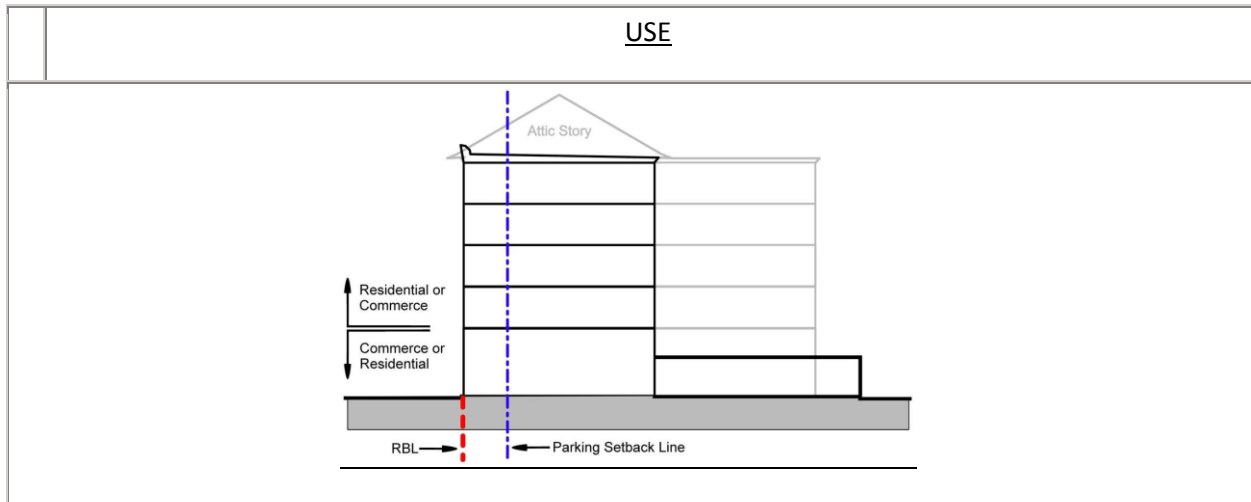
f. Have a minimum of 8 feet clear width between the Façade and the support posts or columns of the awnings.

g. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the awning columns/posts.

3.

Doors/Entries

	<u>At least one functioning entry door(s) shall be provided along the ground story façade of each building and at intervals not greater than 60 linear feet.</u>
4.	<u>Street Walls</u>
	<u>A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.</u>

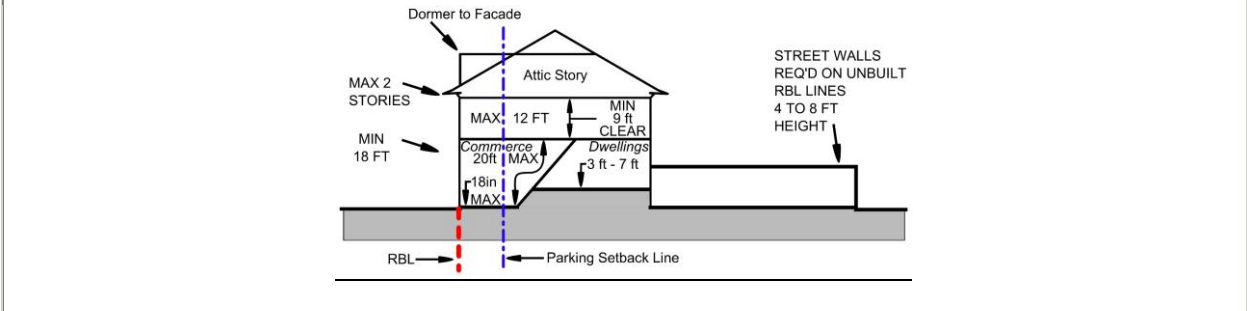


5.	<u>Ground Story</u>
	<u>The ground story shall house commerce or residential uses. See height specifications above for specific requirements unique to each use.</u>
6.	<u>Upper Stories</u>
	<u>a. The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.</u>
	<u>b. No commerce use is permitted above a residential use.</u>
	<u>c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
7.	<u>Permitted Uses</u>
	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>

	<p><u>b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6.</u></p>
	<p><u>c. Use Standards as stated in Section 5.3 shall be applicable.</u></p>

**C. West Main - Local Commerce**

**HEIGHT**



**1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 18 feet in height, but no greater than 2 stories in height, except as otherwise provided on the regulating plan.
- c. An attic story shall not count against the maximum story height.

**2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the building's eave or parapet height.

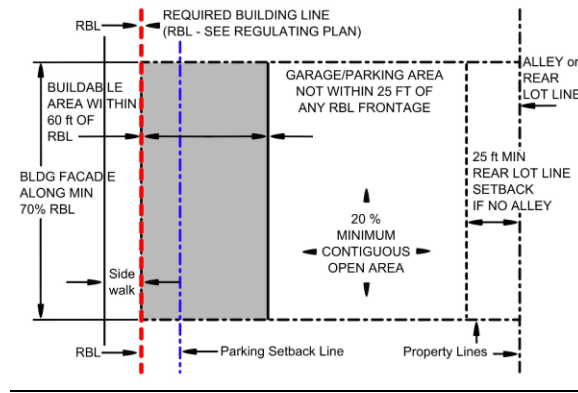
**3. Ground Story Height: Commerce Uses**

- a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of eighteen 18 inches above the sidewalk.
- b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.

	<u>c. The maximum story height for the ground story is 20 feet.</u>
4.	<u>Ground Story Height: Residential Units</u>
	<u>a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.</u>
	<u>b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 16 feet.</u>
5.	<u>Upper Stories Height</u>
	<u>The maximum floor-to-floor story height for upper stories is 12 feet.</u>
	<u>At least 80% of each upper story shall have an interior floor to ceiling height of at least 9 feet.</u>
6.	<u>Mezzanines</u>
	<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as a full story.</u>
7.	<u>Street Wall and Fence Height</u>
	<u>A street wall not less than 4 feet in height or greater than 8 feet in height shall be required along any required building line that is not otherwise occupied by a building.</u>
8.	<u>Other</u>
	<u>Where a local commerce site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the local site shall be 32 feet.</u>

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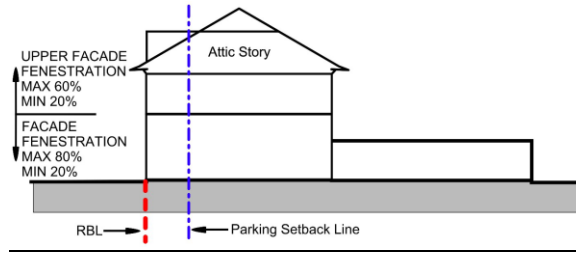




9.	<u>Street Façade</u>
	a. <u>On each lot the building façade shall be built to the required building line for at least 70% of the required building line length.</u>
	b. <u>The building façade shall be built to the required building line within 30 feet of a block corner.</u>
	c. <u>These portions of the building façade (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, front porches and balconies.</u>
10.	<u>Buildable Area</u>
	a. <u>Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	b. <u>A contiguous open area equal to at least 20% of the total buildable area shall be preserved at grade on every lot. Such contiguous open area may be located anywhere behind the parking setback.</u>
	c. <u>No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.</u>
	d. <u>Parking/garage is permitted in the buildable area at the rear of the lot.</u>
11.	<u>Side Lot Setbacks</u>
	<u>There are no required side setbacks except: on a lot where a common lot line is shared with a property located within an existing single-family district, the building, parking and storage areas shall be set back at least 10 feet from the shared lot line.</u>
12.	<u>Garage and Parking</u>
	a. <u>Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>

	<u>b. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade. At grade parking lots are exempt from this setback when applicable street walls are installed per Section 6.6.</u>
	<u>c. These requirements are not applicable to on-street parking.</u>
	<u>d. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>13.</u>	<u>Alleys</u>
	<u>There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.</u>
<u>14.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>
<u>15.</u>	<u>Frontage Widths</u>
	<u>The minimum lot width is 18 feet. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 100 feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.</u>

	<b><u>D. West Main - Local Commerce</u></b>
	<u>ELEMENTS</u>



1.

Windows and Doors

a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.

b. Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 80%, of the façade area (measured as a percentage of the façade between floor levels).

c. Windows on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).

2.

Building Projections

a. Balconies and stoops shall not project closer than 5 feet to a common lot line.

b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the Code, shall encroach beyond the required building line.

c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees).

d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.

e. Awnings may have supporting posts at their outer edge provided that they:

f. Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awning.

g. Provide for a continuous public access easement at least 6 feet wide running adjacent and parallel to the awning columns/posts

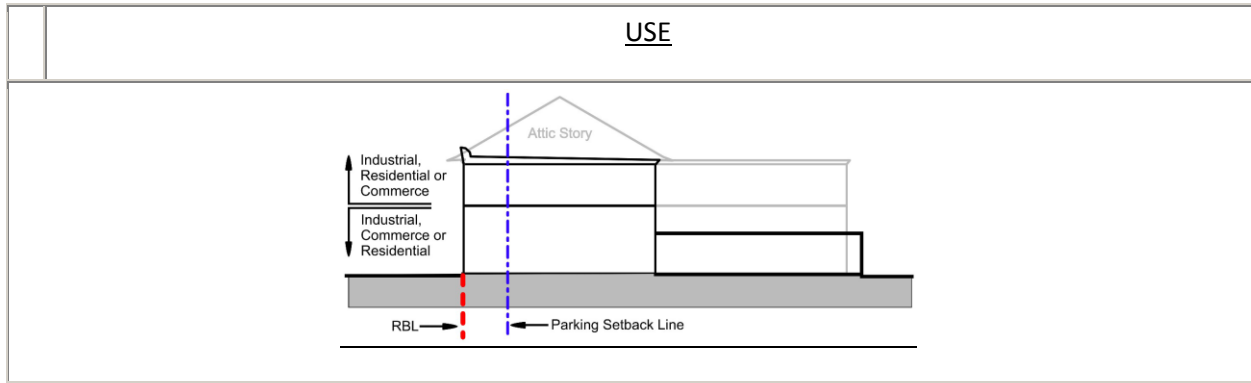
3.

Doors/Entries

a. Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 75 linear feet

b. Each ground story unit shall have direct access to the street.

4.	<u>Street Walls</u>
	<u>A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.</u>



5.	<u>Ground Story</u>
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	<u>The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.</u>
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6.	<u>Upper Stories</u>
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	<u>a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.</u>
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	<u>b. No commerce or industrial use is permitted above a residential use.</u>
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	<u>c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
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7.	<u>Permitted Uses</u>
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	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>
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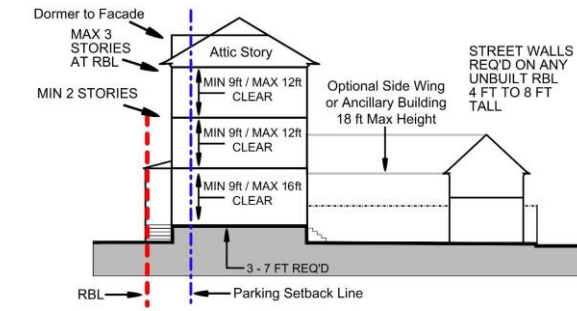
	<u>b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6.</u>
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	<u>c. Industrial uses shall be considered to encompass all of the Industrial use categories except the heavy industrial and waste-related services, as defined in Section 5.6.</u>
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d. Use Standards as stated in Section 5.3 shall be applicable.

**E. West Main - Local**

**HEIGHT**



**1. Building Height**

a. The height of the principal building is measured in stories.

b. Each principal building shall be at least 2 stories in height, but no greater than 3 stories in height, except as otherwise provided on the regulating plan.

c. An attic story shall not count against the maximum story height.

**2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the building's eave or parapet height.

**3. Ground Story Height**

a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.

b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 16 feet.

**4. Upper Stories Height**

a. The maximum floor-to-floor story height for upper stories is 12 feet.

	<u>b. At least 80% of each upper story shall have an interior floor to ceiling height of at least 9 feet.</u>
5.	<u>Mezzanines</u>
	<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as a full story.</u>
6.	<u>Street Wall and Fence Height</u>
	<u>A street wall not less than 4 feet in height or greater than 8 feet in height shall be required along any required building line that is not otherwise occupied by a building.</u>
7.	<u>Other</u>
	<u>Where a local site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the local site shall be 32 feet. This requirement shall supersede the minimum story requirement.</u>

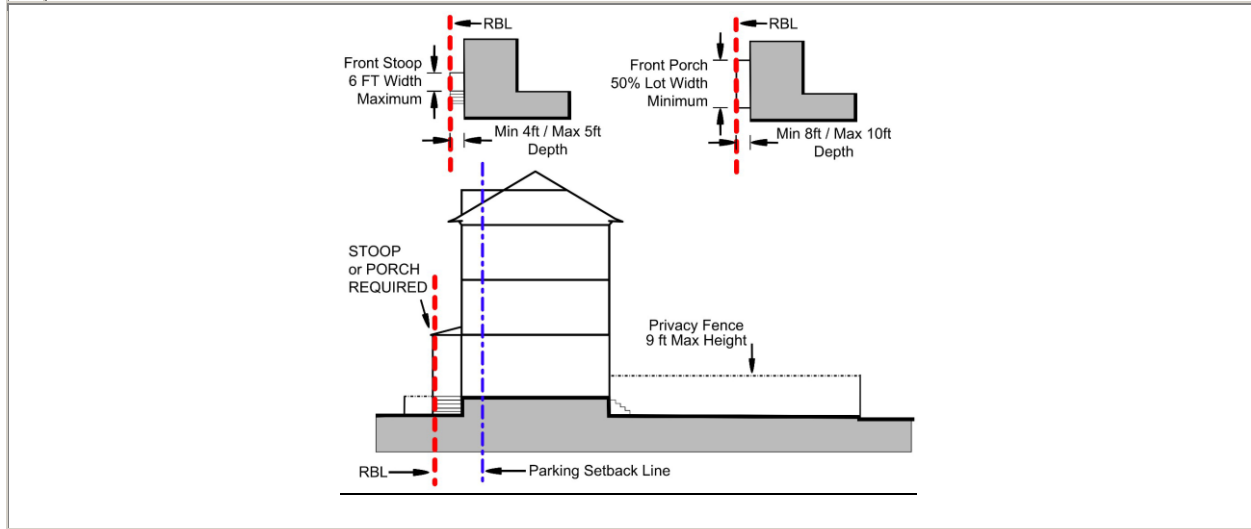
	<u>SITING</u>
8.	<u>Street Façade</u>

	<u>a. On each lot the building façade shall be built parallel to the required building line for at least 70% of the required building line length.</u>
	<u>b. The front porch or stoop shall be built to the RBL.</u>
	<u>c. The building façade or front porch shall be built to the RBL within 20 feet of a block corner.</u>
<u>9.</u>	<u>Buildable Area</u>
	<u>a. Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	<u>b. A contiguous open area equal to at least 20% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback at grade.</u>
	<u>c. No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.</u>
	<u>d. Parking is permitted in the buildable area at the rear of the lot.</u>
<u>10.</u>	<u>Side Lot Setbacks</u>
	<u>There are no required side setbacks except: on a lot where a common lot line is shared with a property located within an existing single-family district, the building, parking and storage areas shall be set back at least 10 feet from the shared lot line.</u>
<u>11.</u>	<u>Garage and Parking</u>
	<u>a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>
	<u>b. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade. At grade parking lots are exempt from this setback when applicable street walls are installed per Section 6.6.</u>
	<u>c. These requirements are not applicable to on-street parking.</u>
	<u>d. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>12.</u>	<u>Alleys</u>
	<u>There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.</u>
<u>13.</u>	<u>Corner Lots</u>

	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>
<u>14.</u>	<u>Frontage Widths</u>
	<u>The minimum lot width is 18 feet. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 130 feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.</u>

**F. West Main - Local**

**ELEMENTS**



1. Stoops and Porches

- a. Each lot/unit shall include a stoop or a front porch.
- b. A stoop shall be built at the required building line and be between 4 and 5 feet deep and 6 feet wide (plus steps).
- c. A Front Porch shall be built at the required building line and be between 8 and 10 feet deep, with a width not less than 50% of the required building line. (The façade will sit behind the RBL, as determined by the required front porch depth.)

2. Windows and Doors

- a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.



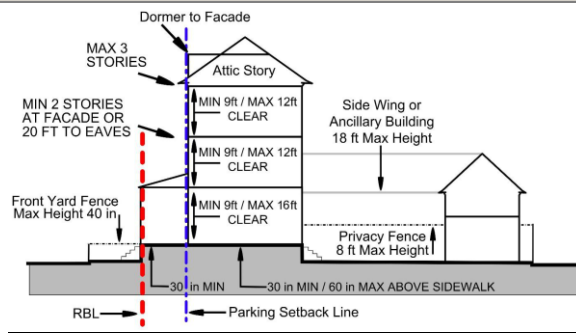
	<u>b. Windows and Doors on all required building line façades shall comprise at least 30%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).</u>
<u>3.</u>	<u>Building Projections</u>
	<u>No part of any building, except overhanging eaves, awnings, balconies, bay windows, and steps, as specified by the code, shall encroach beyond the required building line.</u>
<u>4.</u>	<u>Doors/Entries</u>
	<u>a. Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 75 linear feet.</u>
	<u>b. Each ground/first floor residential unit shall have direct access to the street.</u>
	<u>c. Each lot shall have a functioning entry door on the required building line façade.</u>
<u>5.</u>	<u>Fences/Garden Walls</u>
	<u>A fence or garden wall, 20 to 40 inches in height, is permitted along the front and the common lot lines of the dooryard. A privacy fence, 6 to 9 feet in height, may be placed along any unbuilt rear lot lines and common lot lines.</u>

	<u>USE</u>
	<p>The diagram illustrates a building's vertical profile and setbacks. From top to bottom, the levels are labeled: 'Attic Story', 'Residential or Home Office', and 'Residential or Home Office'. To the right, a smaller structure is labeled 'PARKING ACC. UNIT WORKSHOP'. A vertical dashed blue line is labeled 'Parking Setback Line'. A vertical dashed red line is labeled 'RBL' (Required Building Line). Arrows point from these labels to their respective lines. The building's footprint is shown as a grey area on the ground level.</p>
<u>6.</u>	<u>Ground Story</u>
	<u>The ground story shall house residential and home office uses.</u>

7.	<u>Upper Stories</u>
	a. <u>The upper stories shall house residential and home office uses.</u>
	b. <u>Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
8.	<u>Accessory Unit</u>
	a. <u>One English basement unit or one accessory unit is permitted per lot. Conversion of primary structure single-family units for multifamily use is prohibited.</u>
	b. <u>Parking and accessory unit (maximum 650 square feet) uses are permitted in the buildable area at the rear of the lot.</u>
9.	<u>Permitted Uses</u>
	a. <u>Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>
	b. <u>Home Office: For the purposes of the Form Districts, a home office shall be considered to be a home occupation. 5.4.8.</u>
	c. <u>Use Standards as stated in Section 5.3 shall be applicable.</u>

**G. West Main - R-4**

**HEIGHT**



**1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 2 stories in height, but no greater than 3 stories in height, except as otherwise provided on the regulating plan.
- c. An attic story shall not count against the maximum story height.

2. Ground Story Height

- a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.
- b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 16 feet.

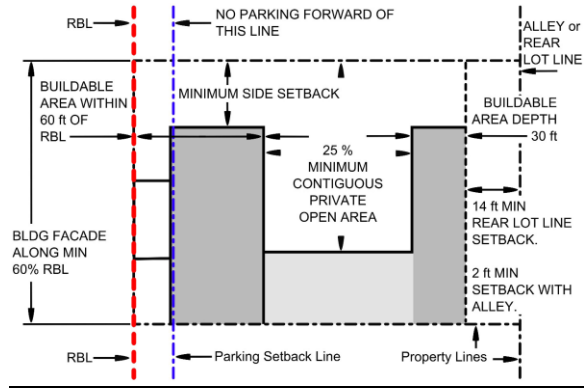
3. Upper Story Height

- a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
- b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

4. Fence Height

- a. A front yard fence is allowed to a maximum height of 40 inches.
- b. A privacy fence not more than 8 feet in height is allowed along any common lot line that is behind the RBL/building façade and is not otherwise occupied by a building.

SITING

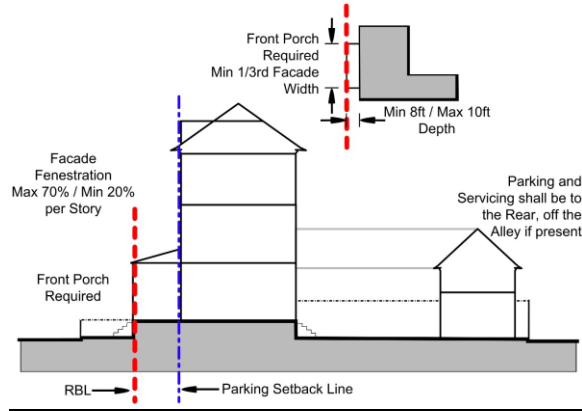


5. Street Façade

	<u>a. On each lot the building façade shall be built parallel to the required building line for at least 60% of the required building line (RBL) length.</u>
	<u>b. The front porch shall be built to the RBL.</u>
	<u>c. Within 20 feet of a block corner, the building façade shall be 8 to 10 feet behind the RBL.</u>
<u>6.</u>	<u>Buildable Area</u>
	<u>a. Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	<u>b. A contiguous open area equal to at least 25% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, at grade.</u>
	<u>c. No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.</u>
<u>7.</u>	<u>Side Lot Setbacks</u>
	<u>The minimum side lot setback is 15 feet total, with a minimum of 5 feet per side, or as otherwise designated on the regulating plan.</u>
<u>8.</u>	<u>Garage and Parking</u>
	<u>a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>
	<u>b. Private garage entries shall not be located on the RBL/façade.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>9.</u>	<u>Alleys</u>
	<u>There is a 2 foot required setback from alleys. On lots having no alley access, there shall be a minimum setback of 14 feet from the rear lot line.</u>
<u>10.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>

**H. West Main - R-4**

**ELEMENTS**



1.

**Windows and Doors**

a. Blank lengths of wall exceeding 15 linear feet are prohibited on all required building lines.

b. Windows and Doors on ground story façades shall comprise at least 20%, but not more than 70%, of the façade area (measured as a percentage of the façade between floor levels).

2.

**Building Projections**

a. Each lot shall include a front porch at the RBL, between 8 and 10 feet deep with a width not less than 1/3 of the façade width.

b. No part of any building, except the front porch roof (overhanging eaves) and steps may encroach beyond the required building line.

3.

**Doors/Entries**

At least one functioning entry door shall be provided along ground story façade of each building.

4.

**Street Walls**

a. There is no street wall requirement.

b. A privacy fence may be constructed along a common lot line behind the RBL.

	<u>USE</u>
5.	<u>Ground Story</u>
	<u>The ground story shall house residential or home office uses.</u>
6.	<u>Upper Stories</u>
	<u>a. The upper stories shall house residential or home office uses.</u>
	<u>b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
7.	<u>Permitted Uses</u>
	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>
	<u>b. Conversion of primary structure single-family units for multiple-family use is prohibited.</u>
	<u>c. Use Standards as stated in Section 5.3 shall be applicable.</u>
8.	<u>Accessory Uses</u>
	<u>a. Parking and accessory unit (maximum 650 square feet) are permitted in the buildable area at the rear of the lot.</u>

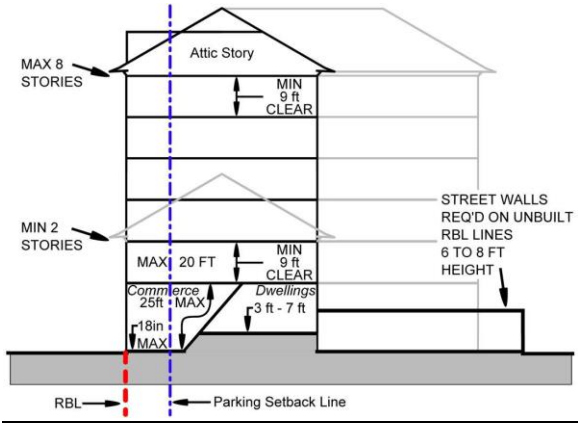
## **6.5 WAREHOUSE DISTRICT**



**A. Warehouse District - General**



**HEIGHT**



**1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 2 stories in height, but no greater than 8 stories in height, except as otherwise provided on the regulating plan.
- c. An attic story shall not count against the maximum story height.

**2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the buildings eave or parapet height.

**3. Ground Story Height: Commerce/Industry Uses**

- a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
- b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a depth of at least 25 feet.
- c. The maimum story height for the ground story is 25 feet.

**4. Ground Story Height: Residential Units**

- a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.

	<u>b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 22 feet.</u>
<u>5.</u>	<u>Upper Story Height</u>
	<u>a. The maximum floor-to-floor story height for stories other than the ground story is 20 feet.</u>
	<u>b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.</u>
<u>6.</u>	<u>Mezzanines</u>
	<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.</u>
<u>7.</u>	<u>Street Wall Height</u>
	<u>a. A street wall not less than 6 feet in height or greater than 8 feet in height shall be required along any required building line frontage that is not otherwise occupied by the principal building on the lot.</u>
	<u>b. The height of the street wall shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.</u>

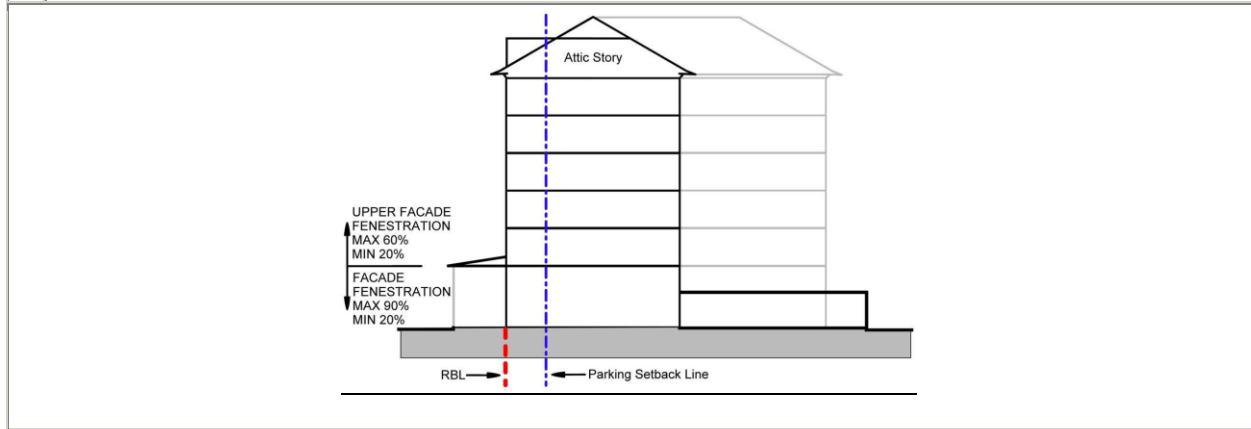
	<u>SITING</u>
	<p>The diagram illustrates the siting requirements for a building on a lot. A central grey rectangle represents the building footprint. To its left, a vertical red dashed line indicates the Required Building Line (RBL). A vertical blue dashed line to the right of the RBL indicates the Parking Setback Line. A vertical black dashed line to the right of the building footprint indicates the Property Lines. A vertical black dashed line to the right of the property lines indicates the Alley or Rear Lot Line. A vertical black dashed line to the left of the building footprint indicates the 25 ft MIN REAR LOT LINE SETBACK IF NO ALLEY. A central white rectangle within the building footprint is labeled '5% MINIMUM CONTIGUOUS OPEN AREA (GROUND FLOOR EXEMPTED)'. A vertical double-headed arrow on the left side of the building footprint is labeled 'BLDG FAÇADE ALONG MIN 80% RBL'. A horizontal double-headed arrow at the bottom of the building footprint is labeled 'Parking Setback Line'. A horizontal double-headed arrow at the bottom of the property lines is labeled 'Property Lines'.</p>
<u>8.</u>	<u>Street Façade</u>
	<u>a. On each lot the building façade shall be built to the required building line for at least 80% of the required building line (RBL) length.</u>

	<u>b. The building façade shall be built to the required building line within 30 feet of a block corner.</u>
	<u>c. These portions of the building façade (the required minimum build to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.</u>
<u>9.</u>	<u>Buildable Area</u>
	<u>a. Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	<u>b. A contiguous open area equal to at least 5% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, either at grade or at the second or third story.</u>
	<u>c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.</u>
<u>10.</u>	<u>Side Lot Setbacks</u>
	<u>There are no required side lot setbacks.</u>
<u>11.</u>	<u>Garage and Parking</u>
	<u>a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>
	<u>b. Garage Entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>12.</u>	<u>Alleys</u>
	<u>There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.</u>
<u>13.</u>	<u>Corner Lots</u>
	<u>Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>

<u>14.</u>	<u>Unbuilt Required Building Line and Common Lot Line Treatment</u>
	a. <u>A street wall shall be required along any required building line frontage that is not otherwise occupied by a building. The street wall shall be located no more 8 inches behind the required building line.</u>
	b. <u>Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.</u>

	<b><u>B. Warehouse District - General</u></b>
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	<u>ELEMENTS</u>
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<u>1.</u>	<u>Windows and Doors</u>
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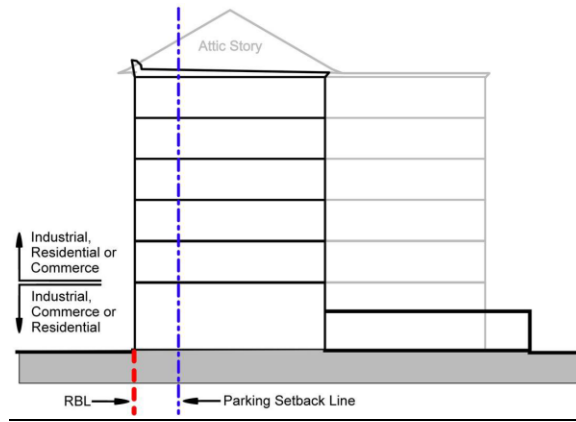
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|--|---|
|  | a. <u>Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.</u>   |
|  | b. <u>Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 90%, of the façade area (measured as a percentage of the façade between floor levels).</u>         |
|  | c. <u>Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).</u> |

<u>2.</u>	<u>Building Projections</u>
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|--|--|
|  | a. <u>Balconies and stoops shall not project closer than 5 feet to a common lot line.</u>  |
|  | b. <u>No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.</u> |

	<u>c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees.)</u>
	<u>d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.</u>
	<u>e. Awnings may have supporting posts at their outer edge provided that they:</u>
	<u>f. Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awning.</u>
	<u>g. Provide for a continuous public access easement at least 6 feet wide running adjacent and parallel to the awning columns/posts.</u>
<u>3.</u>	<u>Doors/Entries</u>
	<u>a. Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 75 linear feet.</u>
	<u>b. Each ground story residential unit shall have direct access to the street-space.</u>
<u>4.</u>	<u>Street Walls</u>
	<u>A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.</u>

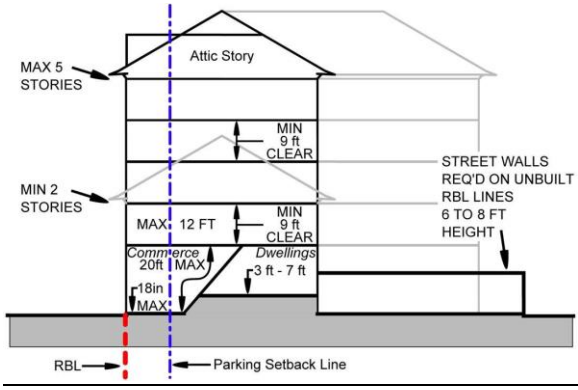
	<u>USE</u>
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5.	<u>Ground Story</u>
	<u>The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.</u>
6.	<u>Upper Stories</u>
	<u>a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.</u>
	<u>b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
7.	<u>Permitted Uses</u>
	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>
	<u>b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6.</u>
	<u>c. Industrial uses shall be considered to encompass all of the Industrial use categories except the heavy industrial and waste-related services, as defined in Section 5.6.</u>
	<u>d. Use Standards as stated in Section 5.3 shall be applicable.</u>

	<b><u>C. Warehouse District - Local</u></b>
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**HEIGHT**



**1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 2 stories in height, but no greater than 5 stories in height, except as otherwise provided on the regulating plan.
- c. An attic story shall not count against the maximum story height.

**2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the building eave or parapet height.

**3. Ground Story Height: Commerce/Industry Uses**

- a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
- b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a depth of at least 25 feet.
- c. The maximum story height for the ground story is 20 feet.

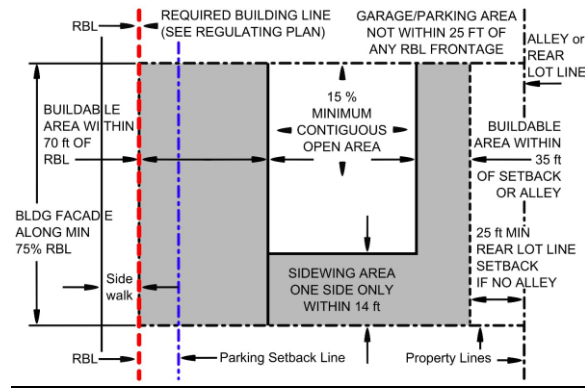
**4. Ground Story Height: Residential Units**

- a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.
- b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.

5.	<u>Upper Story Height</u>
	a. <u>The maximum floor-to-floor story height for stories other than the ground story is 12 feet.</u>
	b. <u>At least eighty 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.</u>
6.	<u>Mezzanines</u>
	<u>Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.</u>
7.	<u>Street Wall Height</u>
	a. <u>A street wall not less than 6 feet in height or greater than 8 feet in height shall be required along any required building line frontage that is not otherwise occupied by the principal building on the lot.</u>
	b. <u>The height of the street wall shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.</u>
8.	<u>Other</u>
	<u>Where a warehouse local site is located within 40 feet of an existing single-family residential zoning district, the maximum eave or parapet height for that portion of the warehouse local site shall be 32 feet. This requirement shall supersede the minimum story height requirement.</u>

<u>SITING</u>
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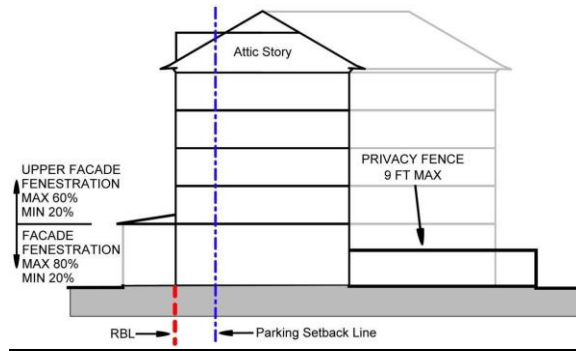




9.	<u>Street Façade</u>
	a. <u>On each lot the building façade shall be built to the required building line for at least 75% of the required building line (RBL) length.</u>
	b. <u>The building façade shall be built to the required building line within 30 feet of a block corner. (The ground floor façade, within 7 feet of the block corner may be chamfered to form a corner entry.)</u>
	c. <u>These portions of the building façade (the required minimum build to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.</u>
10.	<u>Buildable Area</u>
	a. <u>Buildings may occupy the portion of the lot specified by these building envelope standards.</u>
	b. <u>A contiguous open area equal to at least 15% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, either at grade or at the second story.</u>
	c. <u>No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.</u>
11.	<u>Side Lot Setbacks</u>
	<u>There are no required side lot setbacks.</u>
12.	<u>Garage and Parking</u>
	a. <u>Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.</u>

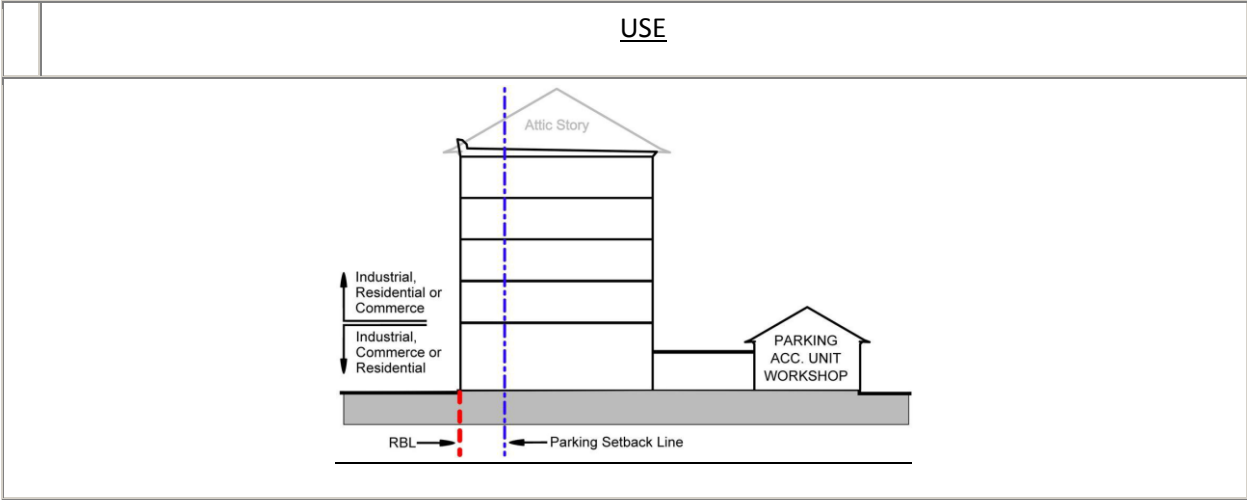
	<u>b. Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.</u>
	<u>c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade. At grade parking lots are exempt from this setback when applicable street walls are installed per Section 6.6.</u>
	<u>d. These requirements are not applicable to on-street parking.</u>
	<u>e. The parking setback line shall be 30 feet from the designated required building line.</u>
<u>13.</u>	<u>Alleys</u>
	<u>a. There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.</u>
<u>14.</u>	<u>Corner Lots</u>
	<u>a. Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.</u>
<u>15.</u>	<u>Frontage Widths</u>
	<u>The minimum lot width is 18 feet. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 130 feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.</u>
<u>16.</u>	<u>Unbuilt Required Building Line and Common Lot Line Treatment</u>
	<u>a. A street wall shall be required along any required building line frontage that is not otherwise occupied by a building. The street wall shall be located no more than 8 inches behind the required building line.</u>
	<u>b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.</u>

	<b><u>D. Warehouse District - Local</u></b>
	<u>ELEMENTS</u>



1.	<u>Windows and Doors</u>
	a. <u>Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.</u>
	b. <u>Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 80%, of the façade area (measured as a percentage of the façade between floor levels).</u>
	c. <u>Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).</u>
2.	<u>Building Projections</u>
	a. <u>Balconies and stoops shall not project closer than 5 feet to a common lot line.</u>
	b. <u>No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the Code, shall encroach beyond the required building line.</u>
	c. <u>Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees).</u>
	d. <u>Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.</u>
	e. <u>Awnings may have supporting posts at their outer edge provided that they:</u>
	f. <u>Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awning.</u>
	g. <u>Provide for a continuous public access easement at least 6 feet wide running adjacent and parallel to the awning columns/posts.</u>
3.	<u>Doors/Entries</u>
	a. <u>Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 75 linear feet.</u>

	<u>b. Each ground story unit shall have direct access to the street.</u>
4.	<u>Street Walls</u>
	<u>A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.</u>



5.	<u>Ground Story</u>
	<u>The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.</u>
6.	<u>Upper Stories</u>
	<u>a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.</u>
	<u>b. No commerce or industrial use is permitted above a residential use.</u>
	<u>c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.</u>
7.	<u>Permitted Uses</u>
	<u>a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.</u>

	<u>b. Commerce uses shall be considered to encompass all of the Commercial use categories, except medical cannabis dispensaries, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6.</u>
	<u>c. Industrial uses shall be considered to encompass all of the Industrial use categories except waste-related services and animal processing, as defined in Section 5.6.</u>
	<u>d. Use Standards as stated in Section 5.3 shall be applicable.</u>

## **6.6 ARCHITECTURAL STANDARDS**

### **6.6.1 General Principles, Intent and Specific Standards**

These Architectural Standards serve to establish a coherent character for the Form Districts and encourage a high caliber, lasting quality of development. Proposed development plans must be reviewed by the Development Review Board to verify that they meet these Architectural Standards, as well as the building envelope and other standards established by 6.0: Form Districts of this development code.

- A.** Refer to Section 2.1.3 for Development Review Board information.
- B.** The following Principles and Standards shall be applied to all development projects within the Form Districts. A statement of Principle precedes each set of Standards, defining the general intent and goals to be achieved.
- C.** The Standards that follow each Principle define more specific requirements for compliance. The standards are intended to provide some flexibility to the applicant, providing the project meets the general intent of the principle.
- D.** Definitions (apply to 6.6, Architectural Standards only):
  - 1.** Statements that have language such as "shall" or "shall not" are mandatory.
  - 2.** Statements that have language such as "preferred" mean that the applicant must comply unless he/she can prove that it is impractical for his/her project, before the Development Review Board, based on the following criteria:
    - a.** The physical conditions of the property (e.g. Steep slopes, flood plain, drainage, or small/irregular lot shape) or the existing building features make compliance physically impossible; or
    - b.** The applicant presents an alternative means of compliance that, in the judgment of the Development Review Board, meets the applicable principles and complies with the stated goals and standards of the Form District.
- E.** Guidelines statements that have language such as "encouraged" or "discouraged" mean that compliance is not mandatory, but recommended.
- F.** Where Clearly Visible from the Street-space  
 These Architectural Standards apply only in conditions where clearly visible from the street-space. Note that the definition of street-space includes parks, civic squares, and civic greens. These standards therefore concentrate on the public space/views from the public space and minimize interference in the private realm. For example, an architectural element that is visible only through an opening in a street wall is not clearly visible from the street-space.
- G.** Equivalent or Better  
 While only materials, techniques, and product types prescribed here are allowed, equivalent or better practices and products are encouraged. They shall be submitted to the Development Review Board for review. Additional products may be added to the list as set forth in 6.10, Amendments and Deviations.
- H.** Standards for Specific Architectural Standards

1. Accessory Unit  
The maximum floor area of an accessory unit shall be 650 square feet.
2. Balcony  
Balconies shall project no less than five feet from the façade and shall have no less than seven feet in width. Balconies may not project within five feet of a common lot line. Balconies, where required in the building envelope standards, must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof (or a balcony on the story immediately above) and shall not be otherwise enclosed above a height of 42 inches, except with insect screening. Balconies aligned vertically on adjacent floors may post up to one another and share a single roof element.
3. Bay or Bay Window  
Minimum interior clear width at main wall of four feet; projection not greater than 36 inches beyond the façade; walls and windows shall be between 90 degrees (perpendicular) and zero degrees (parallel) relative to the primary wall from which they project.
4. Dormers  
Dormers are permitted and a habitable attic story behind them shall not constitute a story so long as they do not break the primary eave line, are individually less than 15 feet wide, and are collectively not more than 60% of the façade length.
5. Front Porches  
Front porches, where required in the building envelope standards, must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof and shall not be otherwise enclosed, above a height of 42 inches, except with insect screening.
6. Parapet Height  
An additional three feet in height by twelve feet in width (or 15% of the façade, whichever is greater) is permitted for a section of the parapet emphasizing the building's primary street-space entry or a block corner.

### **6.6.2 Roofs and Parapets**

- A. Principle  
Roofs shall reflect the Form District's patterns of the surrounding context and provide visual interest to the tops of the buildings, but shall not overwhelm the scale of the street façade.
- B. Materials  
The following materials are permitted.
  1. Clay or concrete (faux clay).
  2. Tile (barrel or flat roman).
  3. Slate (equivalent synthetic or better).
  4. Metal (standing seam, equivalent or better).
  5. Dimensional Asphalt shingles.
  6. Cedar Shingles.
  7. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
  8. See Also Section 6.6.1.G for equivalent or better material approval.
- C. Standards
  1. Acceptable roof styles are flat, hipped, pitched, and front-gabled, although flat roofs are encouraged for commercial buildings. Dormers are allowed per 6.6.1.H.4.
  2. Shed roofs (i.e. roofs with a single pitch visible from the street space) shall not be used.
  3. Flat roofs shall incorporate a parapet and/or cornice line that clearly identifies the top of a building. See also Section 6.6.1.H.6
  4. Simple hip, pitched and gable roofs shall be symmetrically pitched between 4:12 and 10:12.
  5. Occupied roofs, such as roof gardens and terraces are acceptable.
  6. Mechanical equipment located on roof tops shall be screened per 6.6.9.B

### **6.6.3 Façades**

- A. Principle  
Building façades shall reflect the Form District's patterns of the surrounding context and provide interest for the pedestrian. Building façades shall reflect and complement the traditional materials and techniques of the central Illinois region. They shall express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building

form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood).

**B. Materials**

The following materials are permitted.

**C. Primary Materials (75% of façade or greater):**

1. Brick and tile masonry (or synthetic equivalent).
2. Native stone (or synthetic equivalent).
3. Hardie-Plank™ equivalent or better siding.
4. Stucco (cementitious finish).

**D. Accent Materials (no greater than 5% of façade):**

1. Pre-cast masonry (for trim and cornice elements only).
2. Gypsum Reinforced Fiber Concrete (GRFC—for trim elements only).
3. Metal (for beams, lintels, trim elements and ornamentation only).
4. Split-faced block (only for piers, foundation walls and chimneys).
5. See Also Section 6.6.1.G. for equivalent or better material approval for Primary and Accent Materials.

**E. Standards**

1. Cornice lines, stringcourses, and other architectural elements shall create a recognizable base, middle, and top to buildings.
2. Façade openings shall not span vertically more than one story, nor shall the horizontal opening measurement exceed the vertical opening measurement. Façade openings shall correspond to interior space and shall not span across building structure such as the floor structural and mechanical thickness.
3. Long, uninterrupted horizontal stretches of façades shall be avoided. Building bays, storefronts, entrances, columns and other vertical elements shall be used in approximately fifteen (15) to thirty (30) foot increments to "break-up" the building façade. See also Section 6.1.6.B.2. for façade composition requirements.
4. Storefronts shall include elements such as display windows, transoms, awnings, and entrances.
5. Recessed or projected brick or masonry courses used to emphasize horizontal details of the façade are encouraged in order to avoid a flat appearance of the wall.

#### **6.6.4 Doors and Windows**

**A. Principle**

Doors, windows and other façade openings and bays shall reinforce and maintain the Form District's patterns of the surrounding context, and provide interest for the pedestrian.

**B. Materials**

1. Windows shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
2. Window glass shall be clear, with light transmission at the ground story at least 90% and for the upper stories 75% (modification as necessary to meet any applicable building and energy code requirements). Specialty windows (one per façade maximum) may utilize stained, opalescent, or glass block.
3. Window screens shall be black or gray.
4. Screen frames shall match window frame material or be dark anodized.
5. Doors shall be of wood, clad wood, or steel and may include glass panes.
6. See also Section 6.6.1.G. for equivalent or better material approval for Primary and Accent Materials.

**C. Standards**

1. Window frames (including glass block) shall be recessed at least 2 inches from the exterior face of the building (to avoid a flat appearance to the plane of the wall). R-4 designated properties shall not be required to adhere to this standard.
2. Stone or similar materials for window heads (lintels), and sills consisting of accent masonry, precast concrete, soldier, or rowlock brick courses are preferred.
3. A vertical or square orientation for upper story windows is preferred.
4. Refer to the applicable Form District's Building Envelope Standards for required fenestration (window and door) configurations and quantities.
5. Heavily tinted or mirrored windows shall not be used on the ground floor.

6. Recessed Doorways are encouraged. Doorways shall not be recessed more than five (5) feet from the front façade unless a courtyard, café, window display, or other animated space is provided between the doorway and the sidewalk. If the doors are recessed more than three (3) feet, then angled walls to promote the door's visibility are preferred. Doorways shall not span more than one story.
7. Window openings shall not span vertically more than one story and shall not span across building structure such as the floor structural and mechanical thickness.
8. Windows may be ganged horizontally (maximum five per group) if each grouping is separated by a mullion, column, pier or wall section that is at least seven inches wide. Windows divided into multiple panes of glass are encouraged.

### **6.6.5 Existing Buildings and Additions**

#### **A. Principle**

If at all reasonable, buildings that are more than fifty (50) years old shall be encouraged for retention and/or rehabilitation unless those building forms are disallowed by this code.

#### **B. Standards**

1. New additions or alterations shall be compatible with the massing, size, scale, rooflines, materials, and architectural features of the original building.
2. Alterations shall not cover, infill, remove or damage significant, original architectural elements of existing buildings that are visible from the street. Such elements include decorative cornices, windows, doors, trim around openings, railings, storefronts and any significant decorative features. Original architectural elements which are in too poor of condition to repair or re-use are preferred to be closely replicated with new elements.
3. New additions shall be placed to the side or rear of existing buildings whenever possible but must adhere to the applicable build-to line.
4. All building additions shall generally align windows, doors, cornices and other architectural elements with those of the existing building on the primary façade.

### **6.6.6 Street Walls**

#### **A. Principle**

Street walls establish a clear edge to the street-space where the buildings do not. The Form District requirements include masonry walls that define outdoor spaces and separate the street-space from the private realm (parking lots, refuse areas, gardens, and equipment). All street wall façades shall be as carefully designed as the building façade, with the finished side out, i.e. the "better" side facing the street-space.

#### **B. Materials**

The following materials are permitted.

1. Native/regional stone and equivalent imitation stone
2. Metal (wrought iron, welded steel and/or aluminum [electro-statically plated black])
3. Brick
4. Stucco on concrete block (or poured) only with brick or stone coping
5. A combination of materials (e.g. stone piers with brick infill panels or stone piers with brick base courses with a minimum of 2 feet in height and metal above)
6. See Also Section 6.6.1G. for equivalent or better material approval

#### **C. Standards**

1. Street walls along any unbuilt required building line shall be built to the height and length specified in the building envelope standard.
2. Stone or brick piers shall be used in 8 to 10 foot intervals to avoid long, uninterrupted horizontal street walls.
3. Metal work may additionally be treated to imitate a copper patina.
4. Copings shall project between ½-inch and four inches from the face of the wall.
5. See Section 8.2.15.C. for refuse area requirements.

### **6.6.7 Exterior Building Materials**

#### **A. Principle**

Exterior materials shall be durable, of high quality and reflect a sense of permanence and urban character.



**B. Materials**

The following materials are permitted.

1. Native/regional stone and equivalent imitation stone
2. Metal (wrought iron, welded steel and/or aluminum [electro-statically plated black])
3. Brick
4. Stucco on concrete block (or poured) only with brick or stone coping
5. A combination of materials (e.g. stone piers with brick infill panels or stone piers with brick base courses and metal above)
6. See Also Section 6.6.1.G. for equivalent or better material approval

**C. Standards**

1. Buildings shall use materials that are compatible with, or similar to, nearby buildings on the same street, unless those buildings use materials which are disallowed by this code.
2. Materials used at the base of the building are to be stone, brick, ground faced/burnished concrete masonry, precast concrete or high quality synthetic stone. EIFS materials are not to be used on the first story of buildings. Utility materials such as split face or standard concrete block are only allowed on rear, interior lot lines and alley frontages.
3. Lap siding of metal, aluminum, vinyl or wood shall only be permitted in the R-4 frontage. Metal panels (as distinct from lap siding) with concealed fastening systems may be used as accent materials in all frontages.

**6.6.8 Signage**

**A. Principle**

Signs along commercial frontages shall be clear, informative to the public and shall weather well. Signage is desirable for advertising form district shops and offices, and as decoration. Signs shall be scaled to the nature of the district: mixed-use, pedestrian-oriented, with slow-moving automobile traffic. Signage that is glaring or too large creates distraction, intrudes into and lessens the district experience, and creates visual clutter. Signs shall align with or be framed by the building's major architectural elements such as doors, windows, moldings, pilasters, arches, roof eaves, and/or cornice lines.

**B. Design, Construction and Maintenance**

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. Except for permitted flags, temporary signs, and window signs conforming in all respects with the requirements of all City codes, all signs shall [be] constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
2. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
3. All signs, awnings and overhangs shall be kept and maintained in a safe, neat and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the owner to prevent corrosion or deterioration caused by weather, age or any other conditions, and to keep the same in a safe, neat and orderly condition and appearance.
4. Signs shall not obstruct visibility from a driveway to an abutting street or vice versa.

**C. Illumination of Signs**

**1. External Illumination Standards**

- a. For externally illuminated signs, the light source shall be shielded so as to prevent glare and overspill. The source of light shall be located and directed in such a manner that the light is not directly visible from any public street or private residence.

**2. Internal Illumination Standards**

- a. Internally illuminated wall signs and blade signs shall be reverse-lit/halo-lit.

**3. Brightness Limitations - All Illumination Methods**

- a. In no case shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination exceed seventy-five (75) foot candles when measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign.

**D. Prohibited and Exempt Signage**

**1. Prohibited Signage**

- a. Signs which move, or give the appearance of moving with the exception of those signs exempted in Section 6.6.8.D.2. This category includes pennants, streamers, string pennants, "garrison" size flags (other than the official national flag of the United States of America) and all other signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means.
- b. Signs containing any flashing or running lights creating an illusion of movement. No flashing, scrolling, traveling, animated, or intermittent lighting shall be on the exterior of any building whether such lighting is of temporary or long-term duration.
- c. Signs which imitate official traffic signs. Signs which use the words "stop," "look," "danger," "go slow," "caution," or "warning," are deemed to be within this category except where such words are part of the name of the business. This category does not include signs which are accessory to parking lots, driveways or roads.
- d. Signs placed on a parked vehicle or trailer where the apparent purpose is to advertise a product or direct people to a business or business located on the same or nearby property.
- e. Can and/or Cabinet Signs
- f. Electronic multiple message boards subject to the requirements of 8.3.13.
- g. Freestanding, Wall, Roof, Projecting or Stacked Off-Premise Signs
- h. Neon Illumination Signs unless specifically permitted.
- i. On-Premise Freestanding Signs
- j. Open Face Letter Signs
- k. Painted Window Signs with exception to those permitted in Section 6.6.8.E.1.c.
- l. Portable or wheeled signs and advertising devices located outside any building.
- m. Push-Through Letter Signs
- n. Raceway Signs
- o. Roof Signs
- p. Temporary Signs with exception to those permitted in Section 6.6.8.E.1.e. and 6.6.8.E.1.f.

**2. Exempt Signage**

- a. House numbers and house nameplates, provided that nameplates shall not exceed one (1) square foot in area.
- b. Paper notices placed on bulletin boards or on kiosks maintained by any governmental organization.
- c. Signs erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as authorized by law, statute, or ordinance
- d. Flags bearing the officially adopted design of a nation, state, or political subdivision of a state. Flags shall not exceed thirty (30) square feet in size, except that United States of America garrison size flags are allowed.
- e. Business flags displaying the name of the business and the corporation symbol or logo. Each nonresidential zoning lot shall be permitted one flag not to exceed 30 square feet.
- f. Signs on storefronts that include business hours of operation not to exceed one square foot in size.

**E. Standards - All Form Districts**

**1. General**

- a. Wall signs are permitted within the area between the second story floor line and the first floor ceiling, within a horizontal band not to exceed two and a half feet in height. In no case shall this band be higher than 18 feet or lower than 12 feet above the adjacent sidewalk.
- b. Letters shall not exceed 18 inches in height or width and three inches in relief. Letters may be constructed with two inch standoff studs to allow for reverse-lit/halo-lit illumination. Letters shall be individually cut reverse channel letters and opaque. Signs shall not come closer than two feet to an adjacent common lot line.
- c. Additionally, company logos or names may be placed within this horizontal band or placed or painted within ground floor or second story office windows. Company logos or names shall not be larger than a rectangle of eight square feet.

- d. A masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper story windows. Any such plaque shall be no larger than a rectangle of 18 square feet.
- e. Temporary signs are permitted as defined in 8.3.10.
- 2.** Awnings/Overhangs When an awning or overhang is incorporated into a building, the following requirements must be met:
  - a. Minimum 7 feet clear height above sidewalk, minimum 4 feet depth out from the building façade. Maximum projection to within one foot of back of curb where there are no street trees, or one foot into the tree-planting strip.
  - b. Canvas cloth or equivalent (no shiny or reflective materials).
  - c. Metal and glass are permitted, when configured as a marquee.
  - d. No internal illumination through the awning/overhang.
  - e. Lettering on awnings limited to six inches tall on vertically hanging fabric at curb side of awning.
  - f. No one-quarter cylinder, bubble or convex configurations.
  - g. Awnings and overhangs shall complement the fenestration pattern of the building façade.
- F.** Standards - Sheridan Triangle  
The scale and character of this district is primarily pedestrian with a neighborhood orientation. The signage standards reflect this intent. In addition to paragraph E above, the following specific standards apply in the Sheridan Triangle district:
  - 1. Blade signs (perpendicular to the required building line) not more than 12 square feet in area and minimum nine feet clear height above the sidewalk may be hung below the second story level, from the façade, or from an overhang or awning.
  - 2. Neon signs are allowed within storefront windows in the Sheridan Triangle District.
  - 3. Additional prohibited signs: monument signs and signs painted on the exterior walls of buildings.
- G.** Standards - West Main  
The scale and character of this district is primarily pedestrian with a neighborhood orientation. The signage standards reflect this intent. In addition to paragraph E above, the following specific standards apply in the West Main district:
  - 1. Blade signs (perpendicular to the required building line) not more than 12 square feet in area and minimum nine feet clear height above the sidewalk may be hung below the second story level, from the façade, or from an overhang or awning.
  - 2. Neon signs are prohibited in the West Main District.
  - 3. Additional prohibited signs: monument signs and signs painted on the exterior walls of buildings.
- H.** Standards - Prospect Road  
Under this Chapter, the character of this district will fundamentally change over time. The corridor will be physically reconfigured to recognize the needs of the pedestrian while continuing to function as one of the primary automobile gateways to the City. The signage will be reduced in scale, no longer solely targeted to drivers (some auto-oriented signage, as described below, will be permitted in the interim). In addition to paragraph E above, the following specific standards apply in the Prospect Road District:
  - 1. Blade signs (perpendicular to the required building line) not more than 12 square feet in area and minimum nine feet clear height above the sidewalk may be hung below the second story level, from the façade, or from an overhang or awning.
  - 2. Monument signs are permitted, if constructed to the following standards, until the date in which the property is redeveloped:
    - a. They shall be located at the required building line.
    - b. They shall sit on a defined pedestal.
    - c. The text panel shall not exceed three feet in height, eight feet in length, or 24 square feet in area.
    - d. For internally illuminated monument signs, text and graphics shall be cut-outs from an opaque panel. Opaque text and graphics on a translucent panel are not allowed.
  - 3. If signs are externally illuminated, the light source shall be shielded so as to prevent glare and overspill.
  - 4. Neon signs are allowed in the Prospect Road District.

5. Additional prohibited signs: signs painted on the exterior walls of buildings.

**I. Standards - Warehouse District**

This district is intended to be a lively mixed-use, pedestrian-oriented area, with a variety of activities at different hours of the day. The scale and orientation of the signage standards reflect this intent, while allowing for more variation in the types and placement of the signs to complement the diverse character of the area. In addition to paragraph E above, the following specific standards apply in the Warehouse District:

1. Blade signs (perpendicular to the required building line) shall maintain a minimum clear height of nine feet. When hung at the ground story level, or from an overhang or awning, they shall not exceed 12 square feet in area. When hung at the second story level, they shall not exceed 24 square feet in area. No blade signs shall be allowed above the second story level, except at a block corner, where blade signs may project from a building corner at the third story level.
2. Historic/existing signs painted on the exterior walls of buildings may be maintained or preserved.
3. Neon signs are allowed in the Warehouse District.
4. Additional prohibited signs: monument signs.

**6.6.9 Lighting and Mechanical Equipment**

**A. Lighting**

**1. Principle**

Materials and equipment chosen for lighting fixtures should be durable and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

**2. Standards**

- a.** Street Lights. The Granville style pole light or luminaire (or other street light as the city may specify) shall be used in the Form Districts.
- b.** Refer to 6.8.3.C for street light spacing and locations.
- c.** At the front of the building, exterior lights shall be mounted on the building between seven (7) feet and fourteen (14) feet above the adjacent grade.
- d.** All lots with alleys shall have lighting fixtures within five (5) feet of the alley right-of-way. This fixture shall illuminate the alley, shall be between nine (9) and sixteen (16) feet in height, and shall not cause glare in adjacent lots.
- e.** Lighting elements shall be specified to exclude those that cast a clearly/perceptively unnatural spectrum of light (such as low pressure sodium). Metal halide or halogen light sources are preferred. No fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) may be used on the exterior of buildings. These standards shall be adjusted by the city as technologies advance and produce additional acceptable elements.
- f.** Site lighting may be used to illuminate alleys, parking garages and working (maintenance) areas and shall be full cut-off and not exceed ½ foot-candles of illumination at any property line. Any light fixtures which are required for alley illumination by Section 6.6.9.A.2.d shall not exceed ½ foot-candles at the alley right-of-way line opposite the subject property. Lighting shall maintain an average-to-minimum uniformity ratio of 5:1. Floodlighting shall not be used to illuminate building walls from sidewalk level (i.e. no horizontally projected up lighting as opposed to vertical "wall washing").
- g.** Site lighting shall be of a design and height; and shall be located so as to illuminate only the lot.
- h.** No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building whether such lighting is of temporary or long-term duration.
- i.** Lighting for parking garages shall satisfy Crime Prevention Through Environmental Design (CPTED) standards.

**B. Mechanical Equipment**

**1. Standards**

The following shall be placed behind and away from any required building line, not be stored or located within any street-space, and shall be screened from view from the street-space:

- a. Air compressors, mechanical, pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans/dumpsters, storage tanks, and similar equipment shall not be stored or located within any area considered street-space in this code.
- b. Roof mounted equipment shall be placed behind and away from any required building line and be screened from view from the street-space.

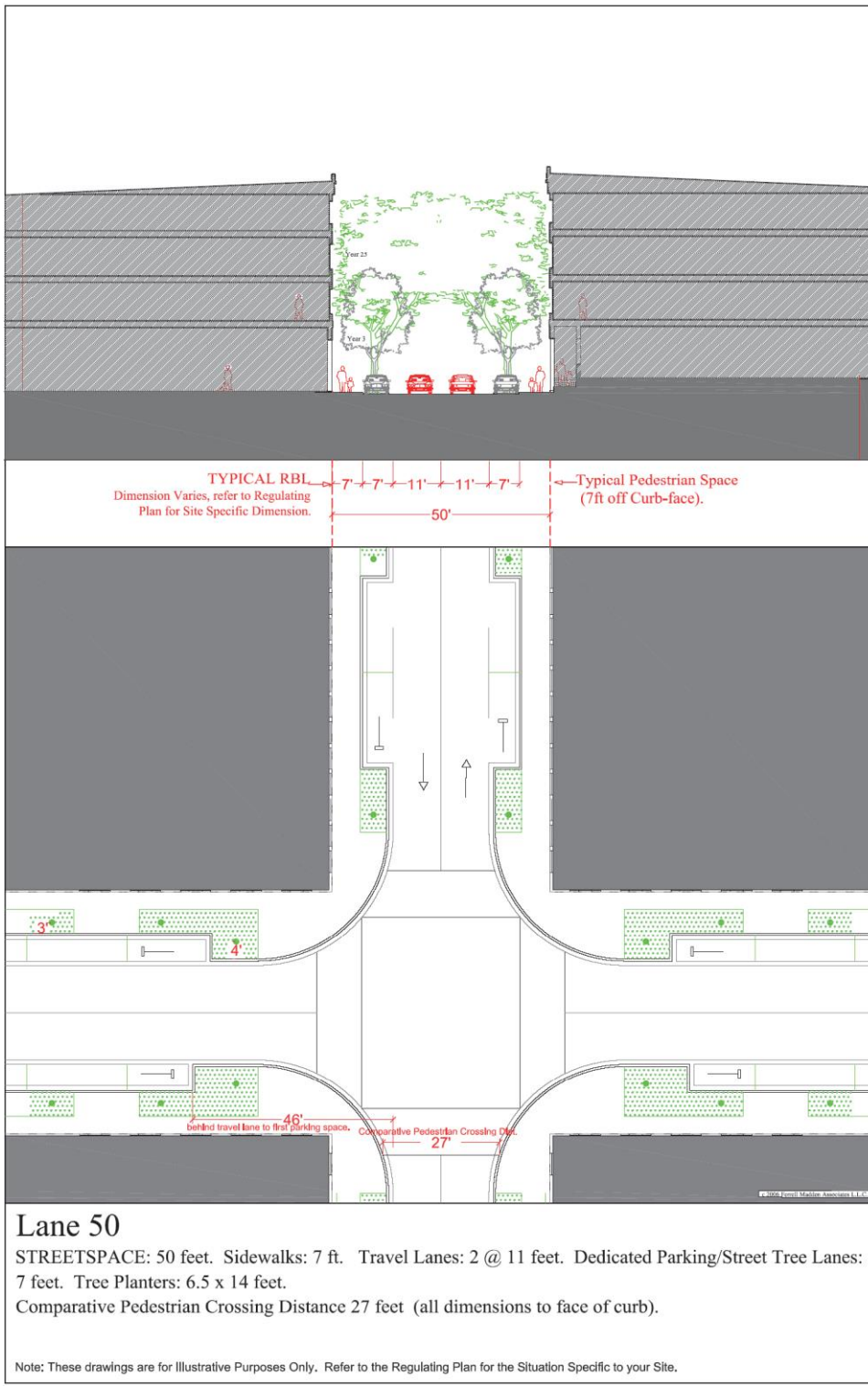
## **6.7 STREET SPECIFICATIONS**

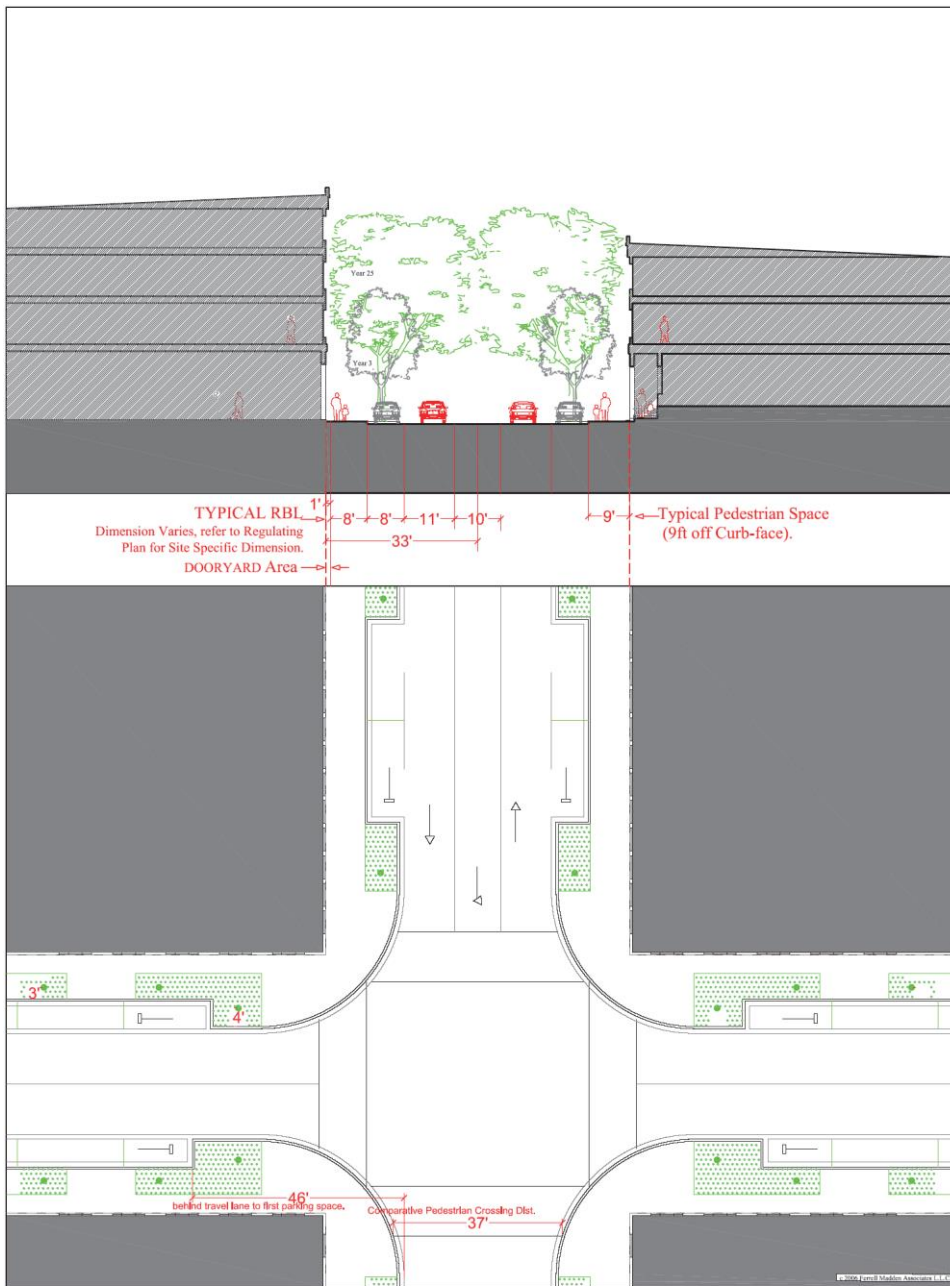
### **6.7.1 Intent**

The streets within the Form Districts are intended to balance the needs of all types of traffic—auto, bicycle, and pedestrian—to maximize mobility and convenience for all the citizens and users of the respective districts. While all streets will appropriately balance pedestrian and automobile needs, their character will vary by specific location. Some streets will carry a large volume of both automobile and pedestrian traffic and provide a more intense urban experience while others will provide more intimately scaled street-space.

### **6.7.2 Street-Type Specifications**

The street-type specifications illustrate typical configurations for street-spaces within the Form Districts. The City will configure and adjust these as necessary for specific conditions. The specifications address vehicular traffic lane widths, curb radii, sidewalks, tree planting area, and on-street parking configurations. They also provide comparative pedestrian crossing distances as a relative gauge of pedestrian comfort.

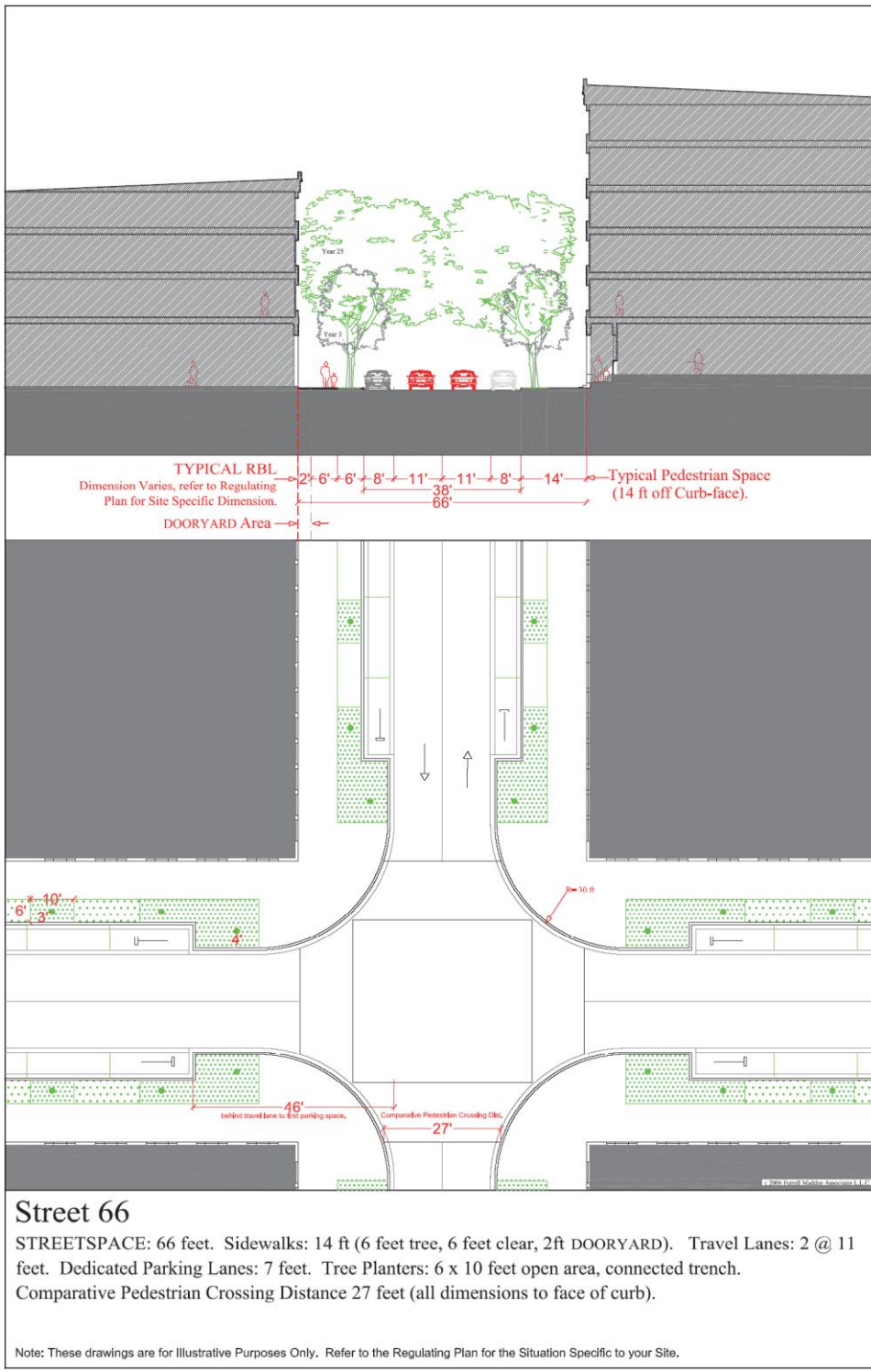




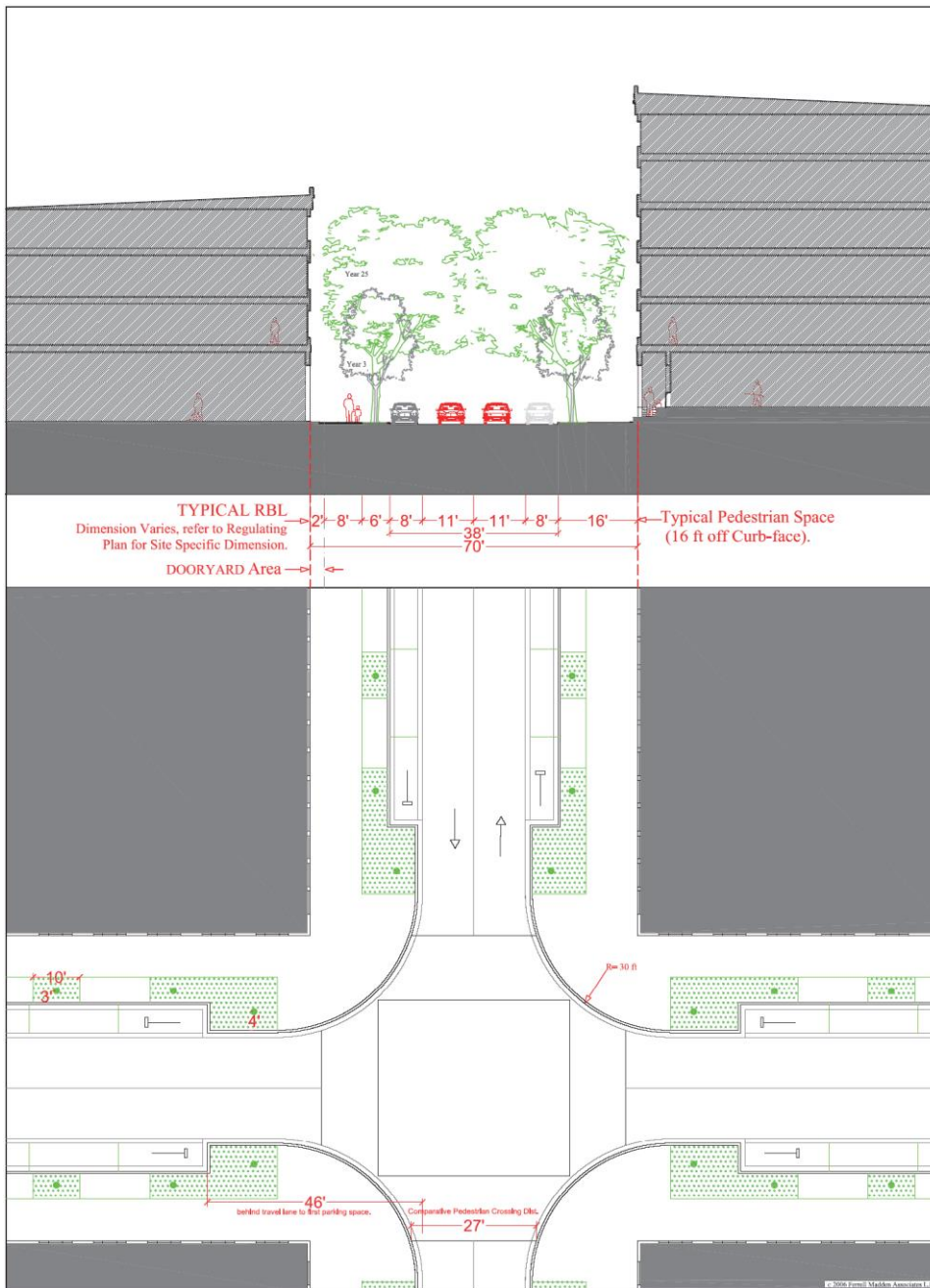
## West Main 66

STREETSPACE: 66 feet. Sidewalks: 8 ft. Travel Lanes: 2 @ 11 feet. Center Turn Lane 10 feet.  
 Dedicated Parking/Street Tree Lanes: 8 feet. Tree Planters: 7.5 x 18 feet Minimum.  
 Comparative Pedestrian Crossing Distance 37' feet (all dimensions to face of curb).

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.







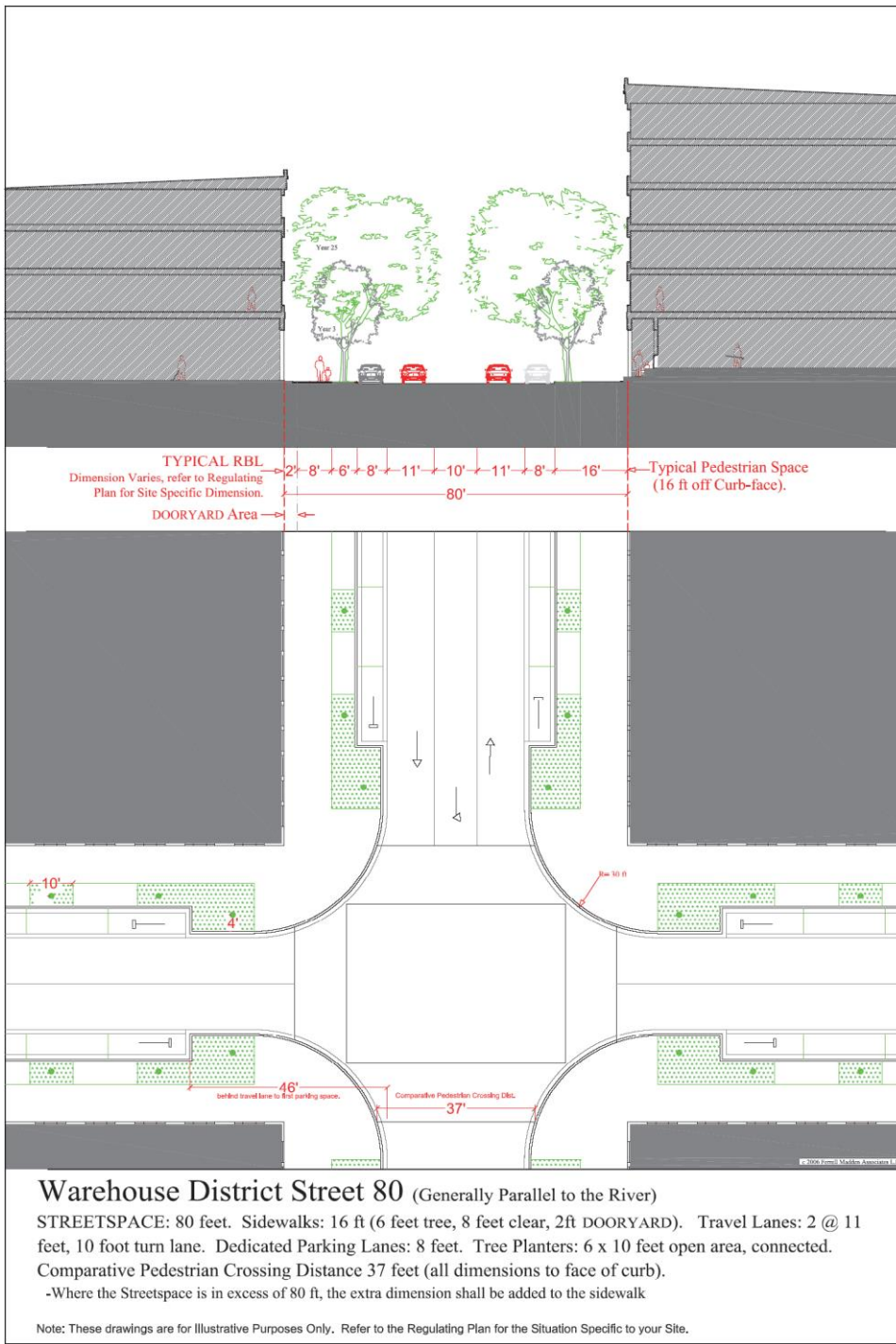
**Warehouse District Street 70** (Generally Perpendicular to the River)

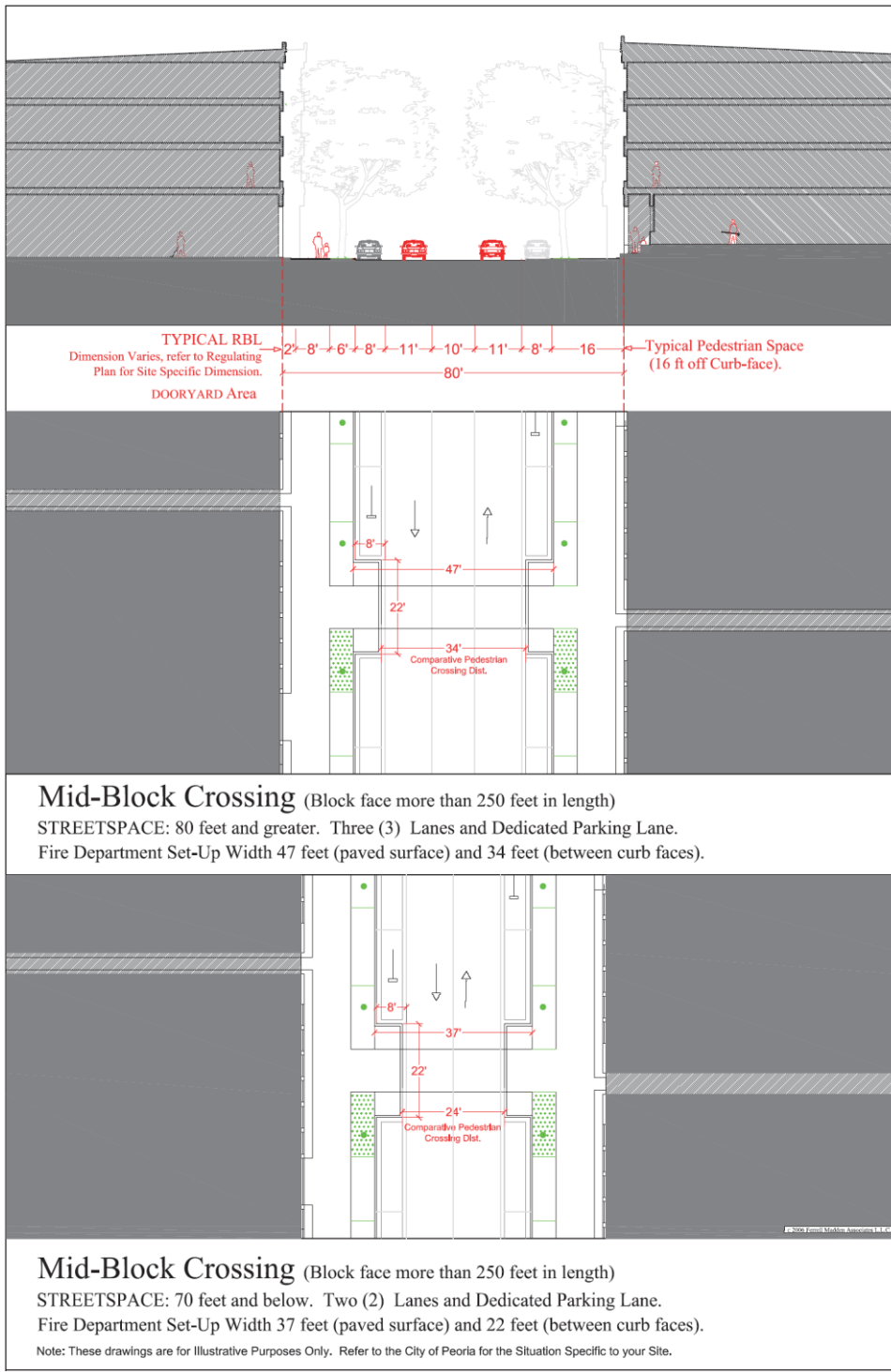
STREETSPACE: 70 feet. Sidewalks: 16 ft (6 feet tree, 8 feet clear, 2ft DOORYARD). Travel Lanes: 2 @ 11 feet. Dedicated Parking Lanes: 8 feet. Tree Planters: 6 x 10 feet open area, connected.

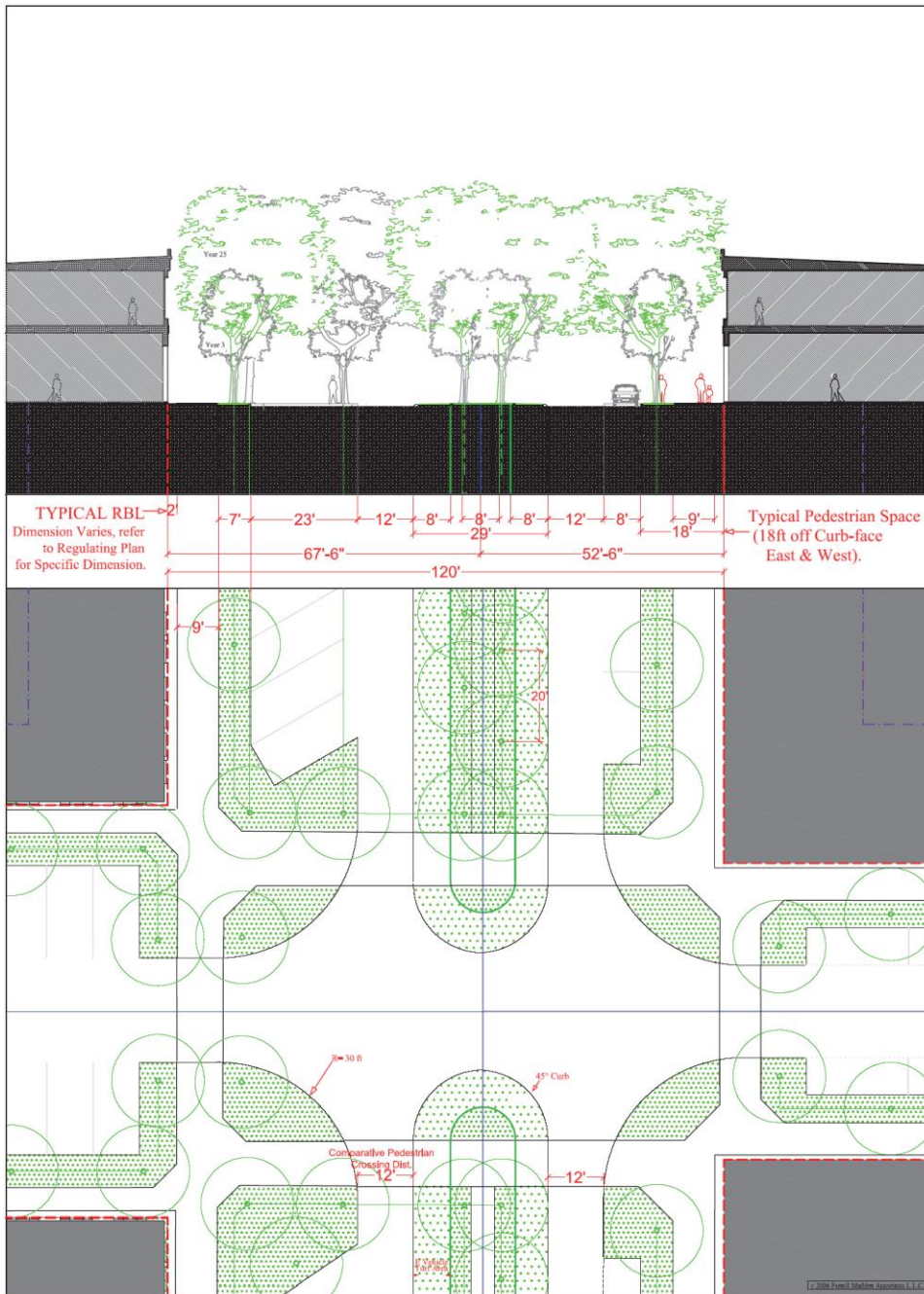
Comparative Pedestrian Crossing Distance 27 feet (all dimensions to face of curb).

-Where the Streetspace is in excess of 70 ft, the extra dimension shall be added to the sidewalk.

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.







**Prospect Avenue 120**

**STREETSPACE:** 120 feet. Pedestrian Area width 18 ft: Sidewalk 9 ft, 7 ft treelawn, 2 ft to RBL, each side .  
**Travel Lanes:** 2 @ 12 feet, Central Median: minimum 29 feet; 2x 8 ft reinforced turf lanes for Emergency Vehicle Access, 13 ft central tree lawn, optional central path 4 ft (pervious surface only). **Parking Lanes:** West Side angled 23 ft curbface to travel lane, East Side parallel 8 ft curbface to travel lane.  
**Comparative Pedestrian Crossing Distance** 12 feet + 12 feet. All dimensions to face of curb.

Note: These drawings are for Illustrative Purposes Only. Refer to the City for the Situation Specific to your Site.

## **6.8 STREETScape STANDARDS**

### **6.8.1 Intent**

The streetscape standards ensure the coherence of the street-space. They also serve to assist building owners and operators with understanding the relationship between the street-space and their own lots. This code requires that sites will be developed with buildings placed at the required building line along the outer edge of the lots they occupy. These standards also establish an environment that encourages and facilitates pedestrian activity. Native trees and plants contribute to privacy, reduction of noise and air pollution, maintenance of the natural habitat, and conservation of water.

### **6.8.2 General Principles**

#### **A. Streetscape**

1. Building façades are part of the public realm and therefore are subject to more regulation than the rest of the property.
2. Street trees are part of an overall streetscape plan designed to provide both form (canopy) and comfort (shade) to the street-space. Street trees give special character and coherence to each street-space. The desired aesthetic shall be achieved through the use of native or proven hardy adapted species.

#### **B. Fronts And Rears**

1. Building façades are the public "face" of every building. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines within 12 inches of the building façade.
2. The private, interior portions of the lots (toward the alley or rear lot line) allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) gardens and courtyards.

### **6.8.3 Standards**

#### **A. General Provisions**

1. All plant material (including trees) shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
2. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any street-space. (Water pumps not visible are not included in this prohibition.)
3. All streetscape shall be maintained by the adjacent property owner, Property Owners Association, or Business Owners Association. A hose bib shall be required within 50 feet of the fronting street-space.
4. Street lighting and bicycle racks shall be placed along the street tree alignment line.

#### **B. Street Trees**

At the time of development, the applicant is responsible for installing/planting the following street trees in the space fronting their property between the required building line and the travel lane:

1. Each street-space shall have street trees planted along the street tree alignment line (generally three feet, six inches from the back of the curb) at an average spacing not greater than 30 feet on center (measured per block face). Required tree planting area widths are specified in the Street Type Specifications or on the regulating plan. Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements, however, at no location shall spacing exceed 45 feet on center.
2. Street tree planter areas (tree pits and tree lawns) shall be located at grade or with their soil surface elevated not more than 12 inches above the adjacent sidewalk or top of curb. The open soil surface area shall be not less than 80 square feet per isolated planting area or 50 square feet per tree for connected soil (tree soil strip) configurations. Any planter area's minimum soil surface dimension shall be not less than six feet. Raised planter boxes shall not be used.

3. At planting, street trees shall be at least two and one-half inches in diameter (measured two feet above grade) and at least six feet in overall height. Species shall be selected from the Form District Street Tree List. Consult the Planning Director for the designated tree species for a particular street-space.
  4. Any unpaved ground area shall be planted with groundcover, flowering vegetation, or climbing vines.
  5. Street trees shall be "limbed up" as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum seven feet clear over the sidewalk and 14 feet over the travel lanes of the street).
- C. Street Lighting**
1. At the time of development, the applicant is responsible for installing street lighting in the space fronting their property between the required building line and the travel lane, as prescribed in the appropriate street-type specification.
  2. A street light luminaire shall be installed on both sides of streets, along the street tree alignment line, unless otherwise designated on the regulating plan, at intervals no greater than 60 feet on Warehouse General and Neighborhood Center sites (and 75 feet on Warehouse and Main Street Local sites), measured parallel to the street, unless otherwise designated on the regulating plan. Street lights shall be between 12 and 16 feet above ground in height. Lighting standards for street-spaces and alleys should be developed to meet the minimum standards of the Illumination Engineering Society (with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas).
- D. Rears**
- At least one tree per 600 square feet of the required open (unpaved) area shall be planted in the rear lot area not closer than five feet to any common lot line. Such trees shall be at least two inches in diameter (four feet above grade) and ten feet in overall height at installation. Species shall be selected from the Form District Tree List. Sites that are reusing existing structures on sites that have no ground level open area are exempt from this requirement.
- E. Sidewalks**
1. At the time of development, the developer is required to install sidewalks.
  2. Sidewalks not otherwise designated in the regulating plan or street type specifications are a minimum of six feet wide and shall be constructed to meet all City specifications.
  3. Turf and Groundcover (where clearly visible from the street-space and along the alley)
    - a. All turf grass must be solidly sodded at installation—not seeded, sprigged, or plugged.
    - b. Vegetative groundcovers may be used in place of turf grass.
    - c. In addition to the lot, the owner must maintain the following areas:
    - d. The portion of the street-space between their lot line(s) and the back of the curb.
    - e. The portion of the alley between the lot line(s) and the edge of pavement.
- F. On-Street Parking**
1. The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the regulating plan, streets, alleys, and transit stops/stations.
  2. Parking spaces shall be constructed in a manner that allows proper drainage.
- G. Rules for Parking Lot Plantings**
1. Surface parking lots must have at least one canopy shade tree (from the Form District Tree List) for every six spaces planted in an "orchard" configuration.
  2. Subdivide surface parking lots into smaller areas through the use of landscaping and other visual elements. Landscaping shall be hardy and able to withstand soot and gas fumes.
  3. Incorporate convenient bicycle parking. The "U" Rack is recommended as the standard rack. A bicycle rack may be allowed along the street tree alignment line within the street-space with prior approval from the City of Peoria.
- H. Civic Greens and Squares**
1. The term square is generally used to describe spaces that have more paved surface area. The term civic green is generally used to describe a formally configured, small public lawn or park that is primarily unpaved.
  2. Civic greens and squares shall be designed, planted and maintained according to the following requirements. Civic greens and squares shall have at least 60% of their perimeter fronting rights-of-way and both spaces should be surrounded by street trees. Their

dimensions shall be no narrower than a 1:5 ratio and no square or civic green width or breadth dimension shall be less than 20 feet.

3. Squares are generally intended to be active pedestrian centers. They should be designed appropriate to their high (pedestrian) traffic level with a higher percentage of paved surface area. Civic greens are spaces intended for less intensive foot traffic. Pervious paving materials (to allow oxygen for tree roots and reduce storm water runoff) are encouraged in both squares and civic greens, and the percentage of impervious paving material is limited. The trees of squares and civic greens provide a landscape and civic architecture that complement the surrounding building architecture. A clear view through the public space (from two to seven feet in height) is required and is important for safety and urban design purposes.

4. Situated at prominent locations within the Form Districts and often dedicated to important events or citizens, civic greens and squares shall not include active recreation structures such as ball fields and courts.

I. Pedestrian Pathway

The easement width for these pathways shall not be less than 20 feet with a paved walkway not less than 10 feet wide, except where otherwise specified on the regulating plan, and shall provide an unobstructed view straight through their entire length.

**6.8.4 Materials and Configurations**

A. General

1. Street trees shall be planted along the street tree alignment line at an average spacing not greater than 30 feet on center (per block face). These required trees shall be selected from the Form District Street Tree List.

2. The ground surface elevation shall be between zero and 18 inches above the top of the adjacent curb.

3. Except for tree trunks, street lights, civic buildings, public art or monuments, there shall be a clear view between two and seven feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.

4. Trees within the square or civic green shall be selected from the Form District Tree List.

5. Asphalt is prohibited within the square or civic green, but may be incorporated in the (surrounding) travel lane design.

B. Squares

Surface treatment and materials (within the site area back-of-curb to back-of-curb excluding any civic building, public art or monument footprint):

1. Minimum 20% and maximum 30% unpaved pervious surface (turf, groundcover, gravel, soil or mulch).

C. Civic Greens

Surface treatment and materials (within the site area back-of-curb to back-of-curb excluding any civic building, public art or monument footprint):

1. Minimum 50% unpaved pervious surface area (turf, groundcover, gravel, soil or mulch).

**6.8.5 Form District Tree Lists**

The following list contains all species approved for use in the Form Districts. It contains native and acceptable adapted species. Other species may be used for planting within a lot. Invasive exotic species shall not be used anywhere on lots or other areas within the Form Districts. The use of alternate species may be permitted, but only if approved by the Development Review Board.

A. Street Tree List

First Preference

• <u>Swamp White Oak</u>	<u>Quercus bicolor</u>
• <u>Northern Red Oak</u>	<u>Quercus borealis</u>
• <u>Red Maple</u>	<u>Acer rubrum</u>
• <u>Black Oak</u>	<u>Quercus velutina</u>
• <u>American Linden</u>	<u>Tilia americana</u>
• <u>Ginkgo</u>	<u>Ginkgo biloba</u>
• <u>Scholar Tree</u>	<u>Sophora japonica</u>
• <u>Black Maple</u>	<u>Acer nigrum</u>
• <u>White Oak</u>	<u>Quercus alba</u>
• <u>Bur Oak</u>	<u>Quercus macrocarpa</u>
• <u>Kentucky Coffee Tree</u>	<u>Gymnocladus dioicus</u>

**B. District Tree List**

First Preference (in addition to the above, species that may be placed within squares, civic greens, and parks).

• <u>Sycamore</u>	<u>Platanus occidentalis</u>
• <u>American Hophornbeam</u>	<u>Ostrya virginiana</u>
• <u>Hackberry</u>	<u>Celtis occidentalis</u>
• <u>Tulip Poplar</u>	<u>Liriodendron tulipifera</u>
• <u>Bald Cypress</u>	<u>Taxodium distichum</u>
• <u>Northern Caltalpa</u>	<u>Caltalpa speciosa</u>
• <u>Black Gum</u>	<u>Nyssa sylvatica</u>

Second Preference

• <u>Cucumbertree Magnolia</u>	<u>Magnolia accuminata</u>
• <u>Green Ash</u>	<u>Fraxinus pennsylvanica</u>
• <u>Black Ash</u>	<u>Fraxinus nigra</u>
• <u>Silver Linden</u>	<u>Tilia tomentosa</u>
• <u>European Hornbeam</u>	<u>Carpinus betulus</u>
• <u>Turkish Filbert</u>	<u>Corylus colurna</u>
• <u>Shagbark Hickory</u>	<u>Carya ovata</u>
• <u>White Ash</u>	<u>Fraxinus americana</u>
• <u>Basswood</u>	<u>Tilia americana</u>



• Black Walnut	<u>Juglans nigra</u>
• Shellbark Hickory	<u>Carya laciniosa</u>
• Sweetgum	<u>Liquidambar styraciflua</u>

## **6.9 PARKING REQUIREMENTS**

### **6.9.1 Applicability**

- A.** Zoning lots less than 12,000 square feet in land area in the Warehouse District and 7,500 square feet in the other Form Districts have no minimum parking requirements.
- B.** Zoning lots greater than 12,000 and 7,500 square feet, in the respective districts, shall meet the following requirements.

### **6.9.2 Standards**

- A.** A minimum of 1 and 1/8 parking space per residential unit, of which a minimum of 1/8 parking space per residential unit shall be provided as shared parking. A maximum of two spaces per residential unit may be provided as reserved parking. There are no maximum limits on shared parking.

Example: a 24-unit apartment complex would require a total of 27 spaces (24 x 1-1/8). At least 3 spaces (1/8 x 24) must be made available as shared parking (not reserved).

- B.** A minimum of one space per 1,000 square feet of nonresidential gross floor area shall be provided as shared parking. A maximum of one space per 1,000 square feet of nonresidential gross floor area may be designated as reserved parking. There are no maximum limits on shared parking.
- C.** All on-street parking spaces abutting the development, may be counted toward the minimum requirement for shared parking. Any limitations on the shared parking (time limits or hours of the day) shall be subject to approval by the City which shall be given upon a finding that at least twelve hours of public parking are provided in any 24-hour period and that at least eight of those hours are provided during either business or nighttime hours depending whether the City determines that the primary public use will be for commercial or residential uses.
- D.** All calculations of parking spaces shall be rounded up to the nearest whole space.
- E.** Parking requirements may be met either on-site or within the parking zone (as defined below) in which the development is located:
  - 1.** Sheridan - within 600 feet
  - 2.** Prospect - within 600 feet
  - 3.** West Main -within 600 feet
  - 4.** Warehouse - within 800 feet
  - 5.** Shared parking shall be designated by appropriate signage and markings as required by City policy.
- F.** All required off-site parking spaces shall adhere to the following Off-Street Parking Sections in addition to the requirements noted above:
  - 1.** Section 8.1.5.D. Size of Parking Stalls
  - 2.** Section 8.1.5.E. Handicapped Accessible Parking
  - 3.** Section 8.1.5.F. Access
  - 4.** Section 8.1.5.G. Use of Required Parking Spaces
  - 5.** Section 8.1.5.H. Design and Maintenance

## **6.10 AMENDMENTS AND DEVIATIONS**

Amendments to a regulating plan, deviations from the certain standards of this Chapter, and new Form Districts may be approved as set forth below.

	<u>Text Amendment</u>	<u>Map Amendment</u>	<u>Planned Form District</u>	<u>Variation</u>	<u>Special Use</u>	<u>Administrative Deviation</u>
<u>New Form District, Regulating Plan, Building Envelope Standards</u>	-	-	■	-	-	-
<u>Modification to an Existing Regulating Plan</u>	-	■	-	-	-	-
<u>Modification to an Existing District Standard</u>						
<u>Site Specific (New)</u>	-	-	-	■	-	■
<u>Site Specific (Existing)</u>	-	-	-	-	■	-
<u>District Wide</u>	■	-	-	-	-	-
	<u>See 2.8</u>	<u>See 2.8</u>	<u>See 2.8.10</u>	<u>See 2.6</u>	<u>See 2.9</u>	<u>See 2.4</u>

## **7.0 OVERLAY DISTRICTS**

### **7.1 NEIGHBORHOOD CONSERVATION**

#### **7.1.1 Intent Statement**

The designation of the Neighborhood Conservation Overlay District (oNC) is intended to ensure the conservation and improvement of buildings and neighborhoods which, in their aggregate or individually, are of special community and neighborhood significance. In addition, the overlay district is intended to provide a framework that will encourage and provide incentives for property owners in designated older areas to maintain their property, environment and the integrity of their neighborhood, conserve important components of the City's housing stock and protect property values. The maintenance provisions of this development code are not only designed to generally promote the health and safety of the community, and its residents, but also to encourage the preservation and restoration of the amenities which were originally present in each designated neighborhood. The purpose of the district includes the following specific objectives:

- A. Encourage proper maintenance, preservation, protection and enhancement of original neighborhood character and streetscape in older neighborhoods;
- B. Foster neighborhood and civic pride in the older neighborhoods and historic areas of the City;
- C. Encourage compatible new construction, rehabilitation and alterations to existing structures;
- D. Enhance the visual and aesthetic character, diversity and interest of the City;
- E. Encourage rehabilitation and preservation or return of owner-occupancy of residential structures in certain areas where the owner-occupied structures designed as single family dwellings have been or are in danger of being converted to multiple dwellings in a manner which may adversely affect their immediate neighborhood;
- F. Strengthen the City's and neighborhood's economy;
- G. Enable economic use of older structures in a manner compatible with residential values;
- H. Protect neighborhood property values;
- I. Protect against the introduction and spread of slum and blighting conditions.

#### **7.1.2 Designation**

The City Council may, in the manner provided for amending this development code, designate specific areas as oNC Overlay District when such areas are consistent with the standards set forth below, and with the provision of a Neighborhood Conservation Plan adopted by the City Council as part of the Comprehensive Plan. The standards for determining whether an area should be designated are as follows:

- A. Neighborhoods that contain an older housing stock which are in need of upgrading and rehabilitation, and areas which are deteriorating due to overcrowding, inappropriate conversions, nonconforming use and excessive economic speculation;
- B. Neighborhoods that contain buildings or structures which individually or collectively represent a distinguishable entity of local historic, cultural or architectural significance; or represent a historical character in terms of common neighborhood living style, date of origin, lot size, building type and architectural style and character;
- C. Neighborhoods adjacent to landmarks, buildings, or structures, or designated historic districts having important historic, architectural or cultural interest; or
- D. Neighborhoods that offer or have the potential to offer suitable and decent housing at affordable prices for City residents.

#### **7.1.3 Application of the District**

- A. Any oNC district designated by the City Council shall be shown as an overlay to the existing underlying district with the designation oNC on the Zoning District Map, as amended. The provisions of the Neighborhood Overlay Plan for the district and the provisions of this

development code shall serve as a supplement to the underlying district regulations. The oNC district is not limited to residential underlying districts and may be applied to the following districts: R1, R2, R3, R4, R6, R7, R8, CN, CG, B1, I1, I2, and I3.

- B.** Except where specifically altered in this oNC Overlay District, or by ordinance adopting or amending the Overlay District Designation for any specific area, the uses, housing types, minimum lot and yard requirements, maximum height, accessory uses and signs shall be determined by the regulations applicable to the underlying district over which the oNC district is superimposed.

#### **7.1.4 Specific Provisions for Neighborhood Plan**

Any Neighborhood Conservation Plan adopted pursuant to this development code shall be an amendment to the City's Comprehensive Plan and shall be adopted in the same manner as any other amendment to the Comprehensive Plan. Each Neighborhood Conservation Plan shall include but not be limited to a description of the character of the neighborhood sought to be conserved or restored, the economic or residential function of the neighborhood, the slum and blighting conditions sought to be avoided, if any, and the policies to be adopted to remedy the specific conditions in the neighborhood which result in the need for a Neighborhood Conservation Plan.

#### **7.1.5 Neighborhood Regulations**

At the time any neighborhood is designated as an area subject to the provisions of this development code, the City Council may adopt specific regulations which shall apply to the neighborhood. It is anticipated that different neighborhoods will be subject to differing regulations. Such regulations shall be consistent with the Neighborhood Conservation Plan which applies to the neighborhood so designated, and shall become amendments to this development code.

### **7.2 RIVERFRONT**

#### **7.2.1 Intent Statement**

- A.** The Riverfront Overlay District (oR) is intended to provide a regulatory framework that will facilitate quality development and redevelopment of the riverfront in the Heart of Peoria in a way that will relate to both the streetfront and riverfront in a harmonious design, including appropriate landscape treatment.
- B.** The goal of the district is to encourage uses that relate to the riverfront and implement plans that recognize and emphasize the unique characteristics of the riverfront. Several districts are envisioned, each particularly tailored through comprehensive design standards to facilitate development and/or redevelopment of commercial, office, residential, recreational, and industrial uses. These standards will be detailed in plans adopted for each district, and as a minimum include site layout and design criteria and goals and objectives sensitive to the unique character of the river as a natural resource and amenity that should be preserved and enjoyed.

#### **7.2.2 Procedure for Designation**

The City Council may, in the manner provided for amending this development code, designate specific areas as a Riverfront District pursuant to the provisions of a Riverfront Overlay Plan adopted by the City Council as part of the Comprehensive Plan.

#### **7.2.3 Application of the District**

- A.** Any Riverfront Overlay District designated by the City Council shall be shown as an overlay to the existing underlying district with the designation oR on the Zoning District Map, as amended. The provisions of the Riverfront Overlay Plan shall serve as a supplement to the underlying zoning district regulations.

- B. Except where specifically altered in the Riverfront Overlay District, or by ordinance adopting or amending the Overlay Riverfront designation for any specific area, the uses, building types, lot and yard requirements, heights, accessory uses, and signs shall be determined by the regulations applicable to the underlying district over which the Riverfront Overlay District is superimposed.

#### **7.2.4 Specific Provisions for Riverfront Overlay Plans**

Any Riverfront Overlay Plan adopted pursuant to this development shall be an amendment to the City's Comprehensive Plan and shall be adopted in the same manner as any other amendment to the Comprehensive Plan. Each Riverfront Overlay Plan shall include, but not be limited to:

- A. A description of the character of the particular district;
- B. Goals and objectives of the plan sensitive to the unique character of the river as a natural resource and amenity that should be preserved and enjoyed;
- C. Implementation strategy and schedule;
- D. Layout and design criteria:
  - 1. The location and design of buildings, parking facilities, and loading docks;
  - 2. On site circulation;
  - 3. Landscaping and screening;
  - 4. Lighting;
  - 5. Signage;
  - 6. Building orientation, height, and setbacks;
  - 7. Open space and pedestrian amenities;
  - 8. Cross access easements for a riverfront promenade; and
  - 9. Designation of entity as review board to ensure compatibility of use changes and compliance of proposed development to the adopted plan and district.

#### **7.2.5 Site Plan Review**

- A. No building permit shall be issued nor structure or building shall be erected, nor existing building altered, remodeled, or enlarged or extended until the entity identified in the approved plan as the designated Review Board, has approved a site plan as outlined in site plan review process as set forth in 2.1.3. The designated Review Board may approve the proposed site plan with or without conditions. The designated Review Board may deny approval of the total site proposal or a portion thereof if they find that conditions, standards, or purposes of the adopted Riverfront Overlay Plan and district have not been complied with.
- B. In those Riverfront Overlay Districts in which the Development Review Board is not the designated review board, the Development Review Board shall provide a technical review to the designated Review Board, but any decision to approve, disapprove or approve site plans with conditions shall be made by the designated Review Board.

#### **7.2.6 Enforcement and Appeals**

Decisions by the designated Review Board shall be enforced by the Zoning Administrator in accordance with the provisions of 2.1.3. Decisions by the designated Review Board may be appealed by a petitioner to the City Council in the same manner that decisions of the Development Review Board may be appealed to the Zoning Board of Appeals (see 0).

### **7.3 CONTROLLED THOROUGHFARE CORRIDOR**

#### **7.3.1 Intent Statement**

The purpose of a Controlled Thoroughfare Overlay District (oT) 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. 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:

- A. Aggregate individual lots into larger parcels of land which will prevent the traditional lot by lot development with multiple access points.
- B. 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.
- C. 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.

### **7.3.2 Procedure for Designation**

- A. The procedure for designating an area a controlled thoroughfare corridor is initiated by an analysis of the thoroughfare by the Community Development Department to identify those areas susceptible to strip development. Based on its examination, the Community Development Department shall develop a set of recommendations for the boundaries of the Overlay District and would make land use recommendations within the proposed District. The Community Development Department shall identify and document the physical characteristics examined to arrive at their conclusions.
- B. The Community Development 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 Community Development Department to the City Council for review and adoption. In addition, the Community Development Department shall submit its recommendations for the future land use for the designated area to the Planning and Zoning Commission.
- C. 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 Community Development Department to the City Council for review and adoption. The City Council shall not adopt the future land use until it has adopted the boundaries for the Controlled Thoroughfare Corridor designation. Upon adoption, the designated area shall be indicated on the Zoning District Map, and the Comprehensive Plan shall be amended to reflect the changes in land use.

### **7.3.3 Permitted Districts**

The following districts are the only permitted districts for application of the Controlled Thoroughfare Corridor Overlay District:

- A. All Residential Districts (see 4.2); and
- B. The CN ,CG, C1 and C2 Districts (see 4.3).
- C. Arterial Office O1 (see 4.4)

### **7.3.4 Conditions for Specific Land Use Designations**

- A. General Conditions**
  - 1. 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.
  - 2. The Community Development 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.

3. 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).
4. All development within the 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 pursuant to 2.9.

### **7.3.5 Clustering Structures**

The clustering of structures is permitted in this District, subject to review by the Development Review Board.

## **8.0 GENERAL DEVELOPMENT STANDARDS**

### **8.1 OFF-STREET PARKING AND LOADING**

#### **8.1.1 Applicability**

These off-street parking and loading provisions shall apply as follows:

- A.** For all buildings and structures erected and all uses of land established after the effective date of this development code, parking and loading facilities shall be provided as set forth below.

#### **8.1.2 Existing Parking and Loading Facilities**

Accessory off-street parking and loading facilities in existence on the effective date of this development code and located on the same lot as the building or use such facilities served shall not be reduced below the current parking and loading requirements, or if already less than the current standards, shall not be further reduced below the requirements for a similar new building or use under the provisions of this section.

#### **8.1.3 Permissive Parking and Loading Facilities**

Nothing in the section shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations governing the location, design, and operation of such facilities are adhered to.

#### **8.1.4 Damage or Destruction**

For any conforming or legally nonconforming building or use which is in existence on the effective date of this development code, which is subsequently damaged or destroyed by fire, collapse, explosion, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this section for equivalent new uses or construction.

#### **8.1.5 Off-Street Parking General Requirements**

- A.** No parking is required for non-residential uses; however, if parking is provided it must meet all Code requirements.
- B.** Location of Parking Spaces
  - 1.** All parking spaces required to serve buildings or uses erected or established after the effective date of this development code shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business, commercial, industrial, and office buildings or uses may be located within 300 feet of such use if said spaces are located in a commercial or industrial district.
  - 2.** Buildings or uses existing on the effective date of this development code that are subsequently altered or enlarged so as to require the provision of parking spaces under this section, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 300 feet of such use. Owners of property, nonconforming as to parking, who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section.
  - 3.** Off-street parking spaces, open to the sky, may be located in any yard except the required front yard or corner side yard. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.
- C.** Control of Parking Facilities



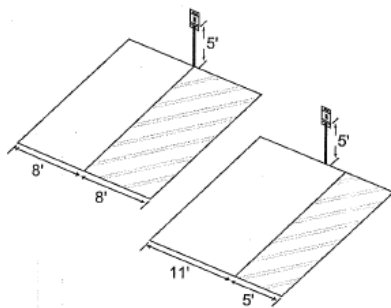
1. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
2. Private possession may be either by deed or long-term lease, the term of such lease to be approved by the Zoning Administrator; and such deed or lease shall be filed with the Zoning Administrator. The deed or lease shall require such owner or their heirs or assigns to maintain the required number of parking facilities for the duration of the use served or the deed or lease, whichever ends first.

**D. Size of Parking Stalls**

1. Except for parallel parking spaces, each required off-street parking space shall be at least 8½ feet in width and at least 18½ feet in length, exclusive of access drives or aisles, ramps, columns, or office work areas.
2. Such space shall have a vertical clearance of at least seven feet, and shall be measured at right angles to the axis of the vehicle.
3. For parallel parking, the length of the parking space shall be 22 feet.

**E. Handicapped Accessible Parking**

1. Any required parking area shall provide parking spaces designated and located to adequately accommodate the disabled, and these shall be clearly marked as such.
2. Markings shall include yellow striping on the pavement designated as the accessible parking space and shall provide a clearly posted sign as provided by Section 11-301 of the Illinois Vehicle Code. Signage shall clearly announce the fine for illegal parking in the accessible space as \$350.00.
3. Handicapped accessible parking spaces shall be designated nearest the accessible entrance (exit) to the facility. For the first 25 (or less) parking stalls required on a site, one shall be a handicapped accessible space. When more than 25 stalls are required, handicapped accessible parking shall be provided at the rates indicated in the 8.1.6. Such schedule of handicapped accessible parking rates shall be applicable to all districts.
4. Each stall shall be 16 feet in width, including either an eight-foot or five-foot diagonally striped access aisle, by 18½ feet in length. The access aisle can be located on either side of the vehicle portion of the accessible space. Any adjacent accessible parking space shall not share a common access aisle and no ramp shall be located within an access aisle. The aisle shall be kept free from any and all obstructions at all time. This shall include a prohibition against parking in the access aisle.



Above: Illustration of two examples of legal accessible parking spaces.

5. Slopes related to accessible parking spaces and access aisles shall not exceed a 1:50 ratio (two percent) in any direction. Exceptions may be granted for unusual terrain conditions. The Zoning Administrator shall have sole discretion to determine the existence of such unusual terrain conditions.

6. Ramps shall be constructed of slip-resistant material with hazardous warning texture and any adjacent sidewalk shall provide a width of unobstructed sidewalk space of at least 36 inches, including any ramp encroachment. The designation of handicapped accessible parking stalls shall constitute consent by the property owner to the enforcement of the restriction of such spaces to disabled motorists by the City.

**F. Access/Driveways**

All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. All vehicular access/driveways shall be hard surfaced pursuant to paragraph H below. In any event, all driveways shall conform to all applicable driveway requirements adopted by the City.

1. The following driveway width regulations shall apply to all residential properties:

- a. Driveway width when located in the required yard for front, rear, or corner side yard.**

A driveway leading to a garage shall not exceed fifteen (15) feet for a single stall garage; twenty (20) feet for a double stall garage; or thirty-four (34) feet for a triple stall garage. However, a driveway leading to a garage may include an extension, which leads to a legal parking space(s), provided the extension is designed with the least amount of hard-surfaced material as determined by the Zoning Administrator. In the absence of a garage, the driveway width serving any legal parking shall not exceed twenty (20) feet in width. Any garage larger than three (3) stalls must have the driveway width approved by the City traffic engineer.

- b. Driveway width when not located within the required yard for front, rear, or corner side yard.**

A driveway leading to a garage shall not exceed the width of the garage. However, a driveway leading to a garage may include an extension, which leads to a legal parking space(s), provided the extension is designed with the least amount of hard-surfaced material as determined by the Zoning Administrator. In the absence of a garage, the driveway width serving any legal parking shall not exceed fifteen (15) feet for a single parking space; twenty (20) feet for a double parking space; or thirty-four (34) feet for a triple parking space.

- c. The size of a driveway and any extension cannot conflict with the allowable number and location of parking spaces per 8.1.7 of this code.**

**G. Use of Required Parking Spaces**

Except as may otherwise be provided in the granting of a special use, required off-street parking facilities provided for uses listed in 8.1.6 below are solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses.

**H. Design and Maintenance**

- 1. Plan**

The design of parking lots or areas shall be subject to the approval of the Development Review Board, in accordance with standards developed by the City Engineer.

- 2. Character**

Accessory parking spaces may be open to the sky, or enclosed in a building.

- 3. Surfacing**

The intent of the City is to allow and encourage innovative parking surfaces that promote sustainability and utilize effective on-site storm water management techniques. This may include but not limited to permeable pavers and porous paving systems. This alternative system must be contained within the designated parking area, able to support commercial vehicles, and have the ability to be striped to define individual parking spaces. A gravel parking surface is prohibited unless approved as part of porous paving system which achieves the intent of this section.

Off-street parking facilities, including access, may be surfaced with asphalt, Portland cement, interlocking concrete paver or brick, or bituminous cement binder pavement.

All parking surfaces must be treated in such a manner as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water and to provide effective drainage without allowing the water to cross the sidewalk or driveway. Parking area and access shall be constructed and maintained in a manner to provide an evenly paved surface, free from potholes, ruts, channels, growth of weeds, and other similar obstructions.

**4. Landscaping and Screening**

Landscaping and screening shall be provided in accordance with the requirements of 8.2.

**5. Lighting**

Any lighting used to illuminate off-street parking and loading areas shall be in accordance with 8.5

**6. Cleaning and Maintenance**

Except in the industrial districts, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 10:00 p.m. and 7:00 a.m. each day, except for the removal of snow. Parking areas in all districts, including access, shall be maintained in a manner to provide an evenly paved surface, free from potholes, ruts, channels, growth of weeds, and other similar obstructions.

**7. Signage**

Signage shall be permitted on parking areas in accordance with the provisions specified in 8.3.

**8. Access**

Each required off-street parking space must be independently maneuverable so that no vehicle shall be stored or parked so as to reduce the availability of any other off-street parking spaces below the minimum number of spaces required in 8.1.6.

**I. Pedestrian Access (Applicable in All Non-Residential Districts)**

Designated pedestrian and bicycle pathways shall be provided, as determined by the Development Review Board, and marked from the public sidewalk to the main entrances of the principal building.

Separate, designated pedestrian access shall be provided between parking areas and major entrances of a building or use which is required to provide fifty (50) or more parking spaces.

Handicapped parking and barrier-free site design facilities shall conform to the City of Peoria's Codes.

**8.1.6 Parking Schedule**

- A.** All off-street parking spaces provided required by this development code, except those required for one- and two-family dwellings, shall be designed in accordance with one of the formulae set forth in the Off-Street Parking Schedule below. Off-street parking spaces shall be provided in accordance with the Off-Street Parking Schedule. In addition to the requirements of the Parking Schedule, a business must also provide one space for each business vehicle parked at the business. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or special) use requirement. If, for any reason the classification of any use, for the purpose of determining the amount of off-street parking or the number of spaces to be provided by such use is not readily determinable, the parking class of such use shall be established by the Zoning Administrator.
- B.** In computing required parking spaces, the total number of required spaces shall be based upon use(s) of the zoning lot or portion thereof. Therefore, one principal use may actually contain two or more parking class uses (e.g., retail sales and warehousing).
- C.** In the event this ordinance does not specify the number of parking spaces for a specific use, the Zoning Administrator shall determine the number of spaces required. In making this determination of the number of spaces required for a proposed use, the Zoning Administrator shall consider the number of parking spaces required for the listed use most similar to the

proposed use in terms of parked vehicles which are expected to be generated. In determining the number of parked vehicles likely to be generated by a use, the Administrator shall consider the square footage occupied by the use where appropriate. In the alternative, the Zoning Administrator may consider the number of employees and patrons which are anticipated for the proposed use.

- D.** No required parking spaces are required in the B1 District. However, if parking is provided, other than the number of spaces, all other requirements as set forth in 8.1.5.H above apply as though the spaces were required, with the exception of landscaping requirements.
- E.** When determination of the number of off-street parking spaces required below results in a requirement of a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more, shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both, on the premises at any one time.

**Off-Street Parking Schedule Minimum Parking Requirements - All Zoning Districts (Except B1 and all Form Districts)**

<u>Use</u>	<u>Number of Required Parking Spaces</u>
<b>RESIDENTIAL</b>	
Multi-Family	2 per unit
Single and Two Family	2 per unit for units constructed after June 4, 1991 1 per unit + 1 for each permitted gratuitous guest for units constructed prior to June 4, 1991
Family Care Facility and Group Care Facility	1 per employee + 1 per resident (the resident parking requirement may be waived by the Zoning Administrator for those facilities that prohibit ownership or operation of motor vehicles by residents of the facility)
<b>COMMERCIAL</b>	
Vehicle Stacking	Stacking of spaces to be required based on use and site constraints.

**Off-Street Parking Schedule Maximum Parking Allowed - All Zoning Districts (Except B1 and all Form Districts)**

The following table outlines the maximum parking number allowed by right; however, the maximum number may be exceeded if a fee is paid for over parking. The fee for over parking is \$250 per space. This is applicable for all parking added after the effective date of this ordinance.

<u>Use</u>	<u>Number of Required Parking Spaces</u>
<b>RESIDENTIAL</b>	
Assisted Living Facility	1 for every 3 residents plus 1 per employee
Bed and Breakfast	2 for the operator and 1 space per quest room
Boarding House, Dormitory, Fraternity, Lodging House, Rooming House	1 space per sleeping accommodation
Hotel/Motel	1.25 spaces per quest room plus 12 spaces per 1,000 sq. ft. for convention facilities
Mobile Home Park	1.25 spaces per unit
<b>COMMERCIAL</b>	

<u>ATM</u>	<u>6 stacking spaces for 1 ATM on a site and 8 stacking spaces for 2 ATMs on a site</u>
<u>Auto Service</u>	<u>3 per service bay</u>
<u>Car Wash</u>	<u>4 stacking spaces per bay or stall, 15 stacking spaces per automated bay or stall plus 1 parking space per employee.</u>
<u>Drive Through Facility, non-ATM</u>	<u>8 stacking spaces for the first window, plus 2 stacking spaces for each additional window in addition to the parking required for that specific land use</u>
<u>Durable Goods, Furniture, Appliances, etc.</u>	<u>2 per 1,000 SF of GFA</u>
<u>Eating/Drinking</u>	<u>12 per 1,000 SF of GFA</u>
<u>Retail, freestanding</u>	<u>4 per 1,000 SF of GFA</u>
<u>Shopping Center</u>	<u>4 per 1,000 SF of GLA – 25,000 to 400,000 SF</u>
	<u>4.5 to 5 in linear progression per 1,000 of GLA – 400,000 to 600,000 SF</u>
	<u>5 per 1,000 SF of GLA - 600,000 + SF (adjustments to these requirements can be considered on a case by case basis pursuant to the Special Use process).</u>
<u>Wholesale</u>	<u>2 per 1,000 SF of GFA up to 10,000 SF + 0.5 per 1,000 SF remaining</u>
	<u>Office area parking requirements shall be calculated separately based on office parking rates.</u>
<b>SERVICE</b>	
<u>Beauty/Barbershop</u>	<u>3 per chair</u>
<u>Funeral Services</u>	<u>1 per 50 SF public access rooms + 1 per vehicle used in connection with the enterprise</u>
<u>Financial</u>	<u>4 per 1,000 SF of GFA</u>
<u>Gym/Health Club</u>	<u>5 per 1,000 SF of GFA + additional for outdoor accessory uses based on their requirements</u>
<u>Hospital</u>	<u>2 per bed + outpatient areas calculated at medical/dental rate</u>
<u>Medical/Dental</u>	<u>6 per 1,000 SF of GFA</u>
<u>Business and Professional Office</u>	<u>4 per 1,000 SF of GFA</u>
<u>Personal Services</u>	<u>3 per 1,000 SF of GFA</u>
<u>Religious Institution</u>	<u>1 per 4 seats</u>

## SCHOOLS AND LIBRARIES

<u>Dance/Music/Vocational/Trade</u>	<u>1 per employee + 2 per 3 students based on the maximum number of students attending classes on the premises at any one time</u>
<u>Day Care/Nursery</u>	<u>4 per 1,000 SF GFA</u>
<u>K--9th Grades</u>	<u>1 per employee + 4 for visitors</u>
<u>Library</u>	<u>3 per 1,000 SF GFA</u>
<u>Senior High School</u>	<u>1 per employee + 1 per 8 students</u>

## CULTURE/ENTERTAINMENT

<u>Amusement Establishment</u>	<u>1 per 3 persons capacity + 1 per employee</u>
<u>Arena/Stadium</u>	<u>1 per 4 seats</u>
<u>Bowling Alley</u>	<u>5 per lane</u>
<u>Club/Lodge</u>	<u>7 per 1,000 SF of GFA</u>
<u>Cultural Institution</u>	<u>1 per 400 SF of GFA</u>
<u>Golf Course</u>	<u>60 per 9 holes</u>
<u>Swimming Pool</u>	<u>1 per 15 SF of shallow water (5 feet or less) or wading area per bather; and 25 SF of deep water (deeper than 5 feet) per bather; and for every fifty 50 SF of deck, 1 bather may be added to overall capacity.</u>
<u>Tennis Court</u>	<u>4 per court</u>
<u>Theater</u>	<u>1 per 4 seats</u>

## INDUSTRIAL

<u>Manufacturing/Utility</u>	<u>1 per 2 employees + 1 per company vehicle</u>
<u>Research and Development</u>	<u>4 per 1,000 SF of GFA</u>
<u>Warehouse</u>	<u>2 per 1,000 SF of GFA up to 10,000 SF + 0.5 per 1,000 SF remaining</u> <u>Office area parking requirements shall be calculated separately based on office parking rates.</u>
<u>Airport</u>	<u>0.75 per airplane tie-down + 1 per 3 passengers whose departure originates from the facility</u>
<u>Bus Facility</u>	<u>1 per 2 employees + 1 per bus</u>
<u>Commuter Train/Bus Station</u>	<u>2 per 3 passengers whose departure originates from facility</u>
<u>Radio/TV Studio</u>	<u>4 per 1,000 SF of GFA</u>

## **Handicapped Accessible Parking Requirements**

<b><u>Off-Street Parking Spaces Provided</u></b>	<b><u>Number of required parking spaces*</u></b>
<u>1 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>
<u>501 to 1000</u>	<u>2% of total number</u>
<u>Over 1000</u>	<u>20 plus 1 for each 100 spaces over 1000 spaces</u>

\* Medical Facilities that care for or treat patients with mobility impairments must designate 10% of the required parking spaces as handicapped for an outpatient facility or 20% for a facility that specializes in treatment or services for persons with mobility issues. Please reference the Illinois Accessibility Code for more information. Any regulations required by the Illinois Accessibility Code that are above and beyond this ordinance's scope will apply.

## **Bike Parking Requirements**

<b><u>Off-Street Parking Spaces Provided</u></b>	<b><u>Number of bike parking spaces required</u></b>
<u>1 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>

<u>501 to 1000</u>	<u>2% of total number</u>
<u>Over 1000</u>	<u>20 plus 1 for each 100 spaces over 1000 spaces</u>

### **8.1.7 Parking of Vehicles in Residential Districts**

The following provisions shall govern the off-street parking of all vehicles in all residential districts.

#### **A. Classification of vehicles**

For purposes of this development code, vehicles shall be classified as follows according to size, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body:

<u>Type</u>	<u>Definition</u>	<u>Permitted Location</u>	<u>Prohibited Location</u>	<u>Maximum Number Allowed</u>
<b><u>Class I</u></b>	<u>A vehicle, including a recreational vehicle or trailer, that does not exceed twenty-three (23) feet in length, eight (8) feet in width and ten (10) feet in height and that, if used in commerce, does not exceed eight thousand (8,000) pounds in gross weight, including vehicle and maximum load.</u>	<u>May be placed in the rear or side yard. However, if located in the side yard between principal structures on adjoining lots, a four (4) foot setback from the side yard lot line is required.</u>	<u>Front yard or corner side yard and closer than four (4) feet from the side yard lot line when located between principal structures on adjoining lots.</u>	<u>4</u>
<b><u>Class II</u></b>	<u>A vehicle that is not a Class I vehicle</u>	<u>Nowhere on the lot, unless in a completely enclosed garage</u>	<u>All yards</u>	<u>0</u>

Total of all vehicles allowed is four. When a vehicle is mounted on a trailer or a trailer is hitched to a vehicle, such vehicle and trailer shall be counted and measured as one vehicle and must meet the applicable size and location requirements.

#### **B. General Regulations and Standards**

The following apply to the parking of vehicles in parking lots and parking areas on a lot in a residential district:

##### **a. Surface**

No motorized vehicle shall be stored except on an all-weather, durable and dustless, asphaltic, inter-locking concrete paver or brick, or cement pavement surface. A trailer is not required to be stored on an all-weather, durable and dustless, asphaltic, inter-locking concrete paver or brick, or cement pavement surface. Alternative parking surfaces as defined in 8.1.5.H.3 are permitted subject to site plan review board approval.

##### **b. Permanent Location Prohibited**

No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.

##### **c. Residential Use Prohibited**

No vehicle shall be used for living, sleeping or housekeeping purposes while parked or stored in the City.

##### **d. Utility Hookups**

No vehicle shall be connected to any public utility except for required servicing.

##### **e. Unsafe Conditions**

No vehicle shall be parked or stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location where in a vehicle is stored shall be free of weeds, debris and combustible material.

#### **C. Parking of Vehicles in Non-Single Family Parking Areas and Lots**



Any number of Class I vehicles may be stored in any lawfully existing parking areas or lot in a R6, R7, or R8 district (or any such lot approved as part of a Residential Planned Development); provided, however, that no vehicle shall be stored so as to reduce the availability of off-street parking spaces below the minimum number of spaces required 8.1.6. No Class II vehicle shall be stored in any parking area or lot in a residential district.

### **8.1.8 Off-Street Loading**

#### **A. Loading Facilities Required**

No loading facilities shall be required for any use; however, where loading facilities are established, they shall meet all standards of this section.

#### **B. Location**

1. All loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a residential district or an intervening alley separating a residential district from a commercial, industrial, or form district shall be fully screened from view, subject to approval by the Development Review Board.
2. No loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a front yard or corner side yard. Any loading berths located in a required rear yard may be open to the sky, provided they are not within 50 feet of the property line of any residential district. Loading berths or associated maneuvering areas shall not be located in any required transitional buffer yard.

#### **C. Size**

There is no minimum or maximum size of loading berth; however, loading berths are subject to review and approval by the Development Review Board.

#### **D. Access**

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the Development Review Board.

#### **E. Surfacing**

All open off-street loading berths shall be surfaced pursuant to 8.1.5.H.3 above.

#### **F. Utilization**

Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

#### **G. Central Loading**

Central loading facilities may be substituted for loading berths on individual zoning lots, provided the following conditions are fulfilled:

1. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
2. Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the use of the several types of uses served (area of types of uses may be totaled before computing number of loading berths).
3. No zoning lot served shall be more than 500 feet away from the central loading area.
4. The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet.

### **8.1.9 Parking Alternatives**

#### **A. Applicability**

1. Unless an Alternative Parking Plan is approved as set forth below at the time of site plan approval, and unless specifically exempt, all proposed development shall meet the Off-Street Parking Schedule as specified in 8.1.6 (the handicapped accessible requirements can in no case be modified).

#### **B. On-Street Parking**

On-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle may be counted toward meeting Off-Street Parking Schedule. Where streets have been signed "No Parking" by the City no credit for on-street parking shall be available.

**C. Off-Site Parking**

Required off-street parking spaces may be permitted on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards.

**1. Ineligible Activities**

Off-site parking may not be used to satisfy the Off-Street Parking Schedule for residential uses (except for guest parking) or convenience stores. Required parking spaces reserved for persons with disabilities may not be located off-site.

**2. Location**

Off-site parking spaces shall be located within 750 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the off-site parking area.

**3. Agreement**

**a.** In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.

**b.** The property owners involved shall submit a legal agreement approved by the City Attorney guaranteeing that the parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provide on-site as set forth in Off-Street Parking Schedule.

**D. Shared Parking**

Shared parking facilities may be permitted if the shared parking complies with the all of following standards.

**1. Ineligible Activities**

Required parking spaces reserved for persons with disabilities may not be located off-site.

**2. Location**

Shared parking spaces shall be located within 750 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

**3. Shared Parking Study**

Applicants wishing to use shared parking as a means of satisfying the Off-Street Parking Schedule shall submit a shared parking analysis that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Zoning Administrator and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

**4. Agreement**

A shared parking plan shall be enforced through written agreement among all owners of record. The property owners involved shall submit a legal agreement approved by the City Attorney guaranteeing that the parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided as set forth in the Off-Street Parking Schedule.

**E. Valet Parking**

Valet parking may be permitted as a means of satisfying otherwise applicable Off-Street Parking Schedule where all of the following standards have been met:

**1.** Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services;

2. An equivalent number of valet spaces are available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles. All valet parking areas visible from the public right-of-way shall meet the requirements of 8.2.8, Parking Lot Perimeter Landscaping; and
3. The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.

**F. Modified Off-Street Parking Schedule**

The Off-Street Parking Schedule may be modified where applicant-submitted parking data, prepared and sealed by a registered engineer in the State of Illinois with transportation expertise, illustrates that the standards do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

**G. Recording of Approved Plans**

An attested copy of an approved alternative parking plan shall be recorded by the property owner with the County Recorder of Deeds, and a copy filed with the Zoning Administrator, on forms made available by the Zoning Administrator. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

**H. Violations**

Violations of an approved alternative parking plan constitute a violation of this development code and shall be subject to all applicable enforcement and penalty provisions.

## **8.2 LANDSCAPING AND SCREENING**

### **8.2.1 Purpose**

The landscaping and screening requirements are intended to provide a minimum amount of landscape material as a means of fostering the following objectives while providing flexibility in landscape design.

- A. To achieve the goal of enhancing the visual appeal of public/private open space.
- B. To aid in stabilizing the City's ecological balance by contributing to the process of air purification, oxygen regeneration, ground water recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, wind, and heat abatement.
- C. To provide buffering between single-family land uses and multifamily, office, commercial, and industrial land uses.
- D. To ensure that the local stock of trees and other vegetation is replenished.
- E. To safeguard and enhance property values and to protect public and private investment.
- F. To preserve and protect the unique identity and environment of the City of Peoria and preserve the economic base attracted to the City of Peoria by such factors.
- G. To provide for the preservation of larger existing trees which provide a valuable amenity to the urban environment, and once destroyed, can only be fully replaced after generations.
- H. To conserve energy.
- I. To reduce soil erosion and promote the preservation of existing natural vegetation, thereby reducing sedimentation of the Illinois River.
- J. To enhance the health and resilience of the urban landscape trees and shrubs by promoting appropriate and diverse plant materials.

### **8.2.2 Applicability**

- A. Unless specifically stated, the requirements set forth below shall apply to all districts with the exception of zoning lots that are located within a single-family zoning district or zoning lots developed as single-family or duplex (townhouses and condominiums shall not be considered as single-family or duplexes). All landscape plans are subject to review, comment, and, where appropriate, modification by the Zoning Administrator or Development Review Board.

- B.** The requirements set forth in Section 8.2.12.A. and Section 13-77 of the City Code. shall also apply to zoning lots that are located within a single-family zoning district or zoning lots developed as single-family or duplex (townhouses and condominiums shall not be considered as single-family or duplexes).

### **8.2.3 Approval Criteria**

- A.** All landscape plans shall fully meet the following standards in order to receive approval from the Development Review Board.
- B.** Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site.
- C.** Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing utilities.
- D.** Landscaping materials shall be selected and placed so that the safe and enjoyable use of surrounding properties is not inhibited. Landscaping shall be selected and placed with sensitivity toward the ultimate size that will be achieved over time.
- E.** Landscaping with thorns, berries, and other harmful plant characteristics shall be carefully placed to avoid potential harm to people or property on and off-site.
- F.** Weak wooded trees shall only be used where limb breakage will not cause harm to property or life.

### **8.2.4 Landscape Plan Required**

#### **A. Zoning Review Required**

The petitioner shall indicate in writing whether they want the landscape plan to be reviewed under the point system process or the alternative compliance process.

#### **B. Project Timing**

All landscape plans must be submitted for approval by the DRB prior to installation of landscaping.

#### **C. Content of Plan**

The following information must be shown on the required landscape plan:

- 1.** North arrow, scale, date of preparation and revisions, name of designer or drafter;
- 2.** Location of all buildings, structures, and pavement that are proposed or will remain on the site;
- 3.** Location of all existing or proposed watercourses, ponds, lakes;
- 4.** Location, size, and common name or Latin name of any existing trees or shrubs that are to remain;
- 5.** Location of all landscaping that is proposed for the site including any trees, shrubs, groundcover, ornamental grasses, and flower beds (plants should be drawn at one-half of their mature size);
- 6.** Location of any existing or proposed signs, walls, fences, berms (one foot contour intervals), site furniture, lights, fountains, and sculptures on the site;
- 7.** Location of all property lines;
- 8.** Location of all curb lines of existing or proposed streets, alleys, and parking lots;
- 9.** Location of all sidewalks that are proposed for the site or currently adjoin the site;
- 10.** Plant list that describes the common name (available in any nursery catalog), quantity, and size at installation for each proposed plant;
- 11.** Any additional information that the Zoning Administrator determines is necessary to adequately review the proposal.

### **8.2.5 Calculation of Requirements**

- A.** The amount of all required landscaping shall be calculated by utilizing the point system described below. If the applicant decides to create a landscape design by a different means than the point system they may do so through the alternative compliance provisions described in 8.2.16. Examples of reasons to seek alternative compliance could include wooded streams, ravines, or areas with extensive natural vegetation.

- B.** The landscaping requirement shall be based on formulas found below. The requirements for a given yard or parking lot shall be the total of all equations listed under the applicable paragraph.
- C.** In calculating any requirement should a fraction result of 0.5 or greater, it shall be rounded up to the next whole number.
- D.** The following point allocations shall apply for all required landscaping:

<b><u>Tree Classification</u></b>	<b><u>Base Value</u></b>
<u>Shade Trees</u>	<u>20 points</u>
<u>Evergreen Trees</u>	<u>15 points</u>
<u>Intermediate Trees</u>	<u>15 points</u>
<b><u>Shrub Classification</u></b>	<b><u>Base Value</u></b>
<u>Evergreen Shrubs</u>	<u>3 points</u>
<u>Deciduous Shrubs</u>	<u>3 points</u>

- E.** Incentive points for preserving existing landscaping are outlined 8.2.10 and 8.2.11. Trees and shrubs for which points cannot be earned are listed in 8.2.13.B. Exotic, invasive woody plants which must be removed from the site are listed in 8.2.13.C.

**8.2.6 Front and Corner Side Yard Landscaping**

The following requirements apply in all districts except the Form Districts.

- A.** The number of points that must be achieved through landscaping for front and corner side yards shall be based on the overall length of the lot frontage as measured along the property line divided by two. For example, if the front or corner side lot frontage of a property is 220 feet in length, then 110 points must be achieved through landscaping.
- B.** All points for front and corner side yard landscaping must be achieved by utilizing plants from the tree classification.
- C.** Front and corner side yard landscaping shall be planted in the required front or corner side yard. If there is additional area between the required front or corner side yard and the closest on-site parking lot or building all or some of the required landscaping may be planted within such area subject to approval by the Development Review Board.
- D.** Street shade trees may be planted in the right-of-way and used in the calculation of points for the front and corner side yard required landscaping, subject to approval by the Development Review Board.

**8.2.7 Parking Lot Interior Landscaping**

The following requirements apply in all districts except the Form Districts.

- A.** The number of points that must be achieved for parking lots through landscaping shall be equal to the total number of parking spaces provided. The points must be achieved from the shade tree classification.
- B.** When a parking lot has less than fifty one (51) parking spaces the landscaping may be placed within interior curbed parking islands or divider medians and/or within ten (10) feet of the perimeter of the parking lot.
- C.** When a parking lot has fifty one (51) or more parking spaces, the landscaping must be placed in curbed islands or divider medians within the interior of the parking lot. Curbed islands or

divider medians must break up large expanses of pavement and provide shading by locating shade trees away from the perimeter and within the interior of parking lots. The placement and number of such islands or medians shall be determined by the Development Review Board.

- D.** Parking lot islands shall be curbed with concrete or a functionally equivalent material that must be approved by the Zoning Administrator. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs:
  - 1.** Landscape timbers
  - 2.** Railroad ties
  - 3.** Wood/lumber
  - 4.** Concrete wheel stops
- E.** The minimum area for planting all types of trees within parking lots shall not be less than 157.25 square feet. Shade trees and intermediate trees shall not be planted in any area with a width of less than five feet. Evergreen trees shall not be planted in an area with a width of less than ten feet. Shrubs shall not be planted in areas with a width of less than two feet. When plants are proposed to be planted within curbed islands, divider medians or adjacent to curbs the width of such planting areas shall be measured from inside of curbs. The locations of the parking lot landscaping will be subject to review by the Development Review Board.

### **8.2.8 Parking Lot Perimeter Landscaping**

- A.** The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by a continuous landscaped hedge, a decorative masonry wall or any combination thereof. No wooden fences shall be allowed.
- B.** At the time of installation, such screening shall be at least 30 inches in height. A decorative wall shall not exceed 36 inches in height.
- C.** Any vegetative screen shall reach a maximum height of 36 inches within two years of planting. No such screen shall be required along an alley, unless required as a component of a Transitional Buffer Yard.
- D.** The perimeter of all parking areas and other vehicular use areas adjacent to an existing single-family or duplex lot shall be fully screened from the abutting property by an opaque wall not less than four feet in height but not more than six feet in height. The wall shall be constructed and maintained in good condition along the applicable lot line or paving line.

### **8.2.9 Transitional Buffer Yards**

#### **A. General**

- 1.** Unless otherwise provided, all commercial, industrial, institutional, and parking district zoning lots which abut, or, in the absence of an alley, would abut any residential zoning lot or district shall be required to provide a Transitional Buffer Yard. Multifamily zoning lots containing more than two dwelling units which abut, or, in the absence of an alley, would abut any single-family district are also required to provide a Transitional Buffer Yard.
- 2.** If there is a significant naturally occurring visual break between the commercial, industrial, institutional, parking and residential lots, such as a wooded stream, ravine, or an area with extensive natural vegetation, the alternative compliance provisions described in 8.2.15 may be worth consideration.

#### **B. Depth of Yard**

The nonresidential lot, as described above, is required to have a Transitional Buffer Yard that is ten percent of the lot width or depth, whichever is applicable. However, no Transitional Buffer Yard shall be less than ten feet and no Transitional Buffer Yard shall be required to be more than 25 feet.

#### **C. Reduction of Requirements**

In those cases where the residential zoning lot adjoining or across the alley from the applicable nonresidential zoning lot has been developed other than single- or multi-family residential, the Development Review Board shall have the authority to reduce the Transitional Buffer Yard requirements. This authority may be exercised when the Development Review Board determines that the proposed reduction will not have a negative impact on the subject residential lot.

**D. Dispute Resolution**

The Development Review Board shall have the final authority to determine the depths and location of the Transitional Buffer Yards for irregularly shaped parcels, or other parcels when there is a dispute on the depth and location of a Transitional Buffer Yard. The yard depth or width for a yard with varying widths or depths will be measured from the yard's mid-point.

**E. Prohibited Materials**

Any Transitional Buffer Yard shall be maintained as a planted or landscaped area only. Exotic, invasive woody plants (see 8.2.13.C) must be removed from the Transitional Buffer Yard. No driveways other than what is minimally required to properly access parking which can only be accessed from the adjacent alley, refuse containers, storage, aiseways, vehicular maneuvering area, mechanical equipment, sidewalks, materials other than landscaping, or structures of any form shall be located within any required Transitional Buffer Yard. However, if an emergency exit into the Transitional Buffer Yard area is required by Building Code, a concrete pad of no more than 23 square feet in area may be placed at grade level immediately outside of the required exit.

**F. Utility Structures**

Utility structures as described in 5.3.2.C may be permitted in a Transitional Buffer Yard on a case by case basis and only through the alternative compliance provisions of 8.2.15.

**G. Determination of Required Plant Materials for Transitional Buffer Yards**

The number of points that must be achieved through landscaping in a Transitional Buffer Yard shall be based on the overall length of the Transitional Buffer Yard as measured along the Transitional Buffer Yard property line. For example, if the property line running the length of the Transitional Buffer Yard is 180 feet long, then 180 points must be achieved through landscaping.

1. One-half of the points for Transitional Buffer Yard landscaping must be achieved by utilizing plants from the tree classification and one-half must be from the shrub classification.
2. No more than one-quarter of the total points in the Transitional Buffer Yard may come from any one species. As an example, oak is not a species, but white oak, black oak, and burr oak would each qualify as different species.
3. The net effect of paragraphs 1 and 2 above is that two species of trees and two species of shrubs will be required in the Transitional Buffer Yard at a minimum, and perhaps more depending on the point totals for each.
4. All shade trees in a Transitional Buffer Yard must be two and one-half inches caliper size or larger.

**8.2.10 Incentive for Preserving Existing Landscaping**

**A.** Existing landscaping that is in a vigorous growing condition and is not specifically prohibited may count toward meeting the point requirements of this development code. Furthermore, the following plant materials will be awarded ten points (added to base value) per tree when preserved:

**1. Shade Trees**

Five inches diameter (20 inch circumference) or greater at breast height (DBH) (measured at four and one-half feet above the ground).

**2. Intermediate Trees**

Ten feet in height or taller.

**3. Evergreen Trees**

Ten feet in height or taller.

**B.** If the tree dies within five years, full replacement of the landscaping points will apply, including the points credited as an incentive for preserving the existing landscaping.

**C.** A special incentive will apply to the preservation of larger shade trees, with additional restrictions (shade trees 10 inch diameter (31.5 inch circumference) or greater (DBH)). Two points per inch (added to the base value) will be given for each inch of the tree's diameter (DBH). For a tree with the minimum ten-inch diameter, this would result in an additional 20 points. This incentive will be capped at a tree with a 50-inch diameter, which would result in a maximum of an additional 100 points. To receive this special incentive, the existing tree roots

must be protected outside the drip line by a six-foot high chain link fence and from trenching within the drip line during the construction process. If the tree dies within five years, full replacement of the landscaping points will apply, including the points credited as an incentive for preserving the existing landscaping.

**8.2.11 Incentive for Planting Larger Landscaping**

Planting of landscaping larger than the minimum required sizes specified in 8.2.13.D will be rewarded with five additional points (added to base value) per tree when the proposed sizes are as follows:

- A. Shade Tree**  
Four inches diameter (Five inches in Transitional Buffer Yard) or greater.
- B. Intermediate Tree**  
Ten feet in height or taller.
- C. Evergreen Tree**  
Ten feet in height or taller.

**8.2.12 Mulching Requirements**

- A. Mulching Requirements**
  1. All required shrubs and trees shall be mulched and maintained with shredded hardwood bark, cypress, other suitable organic material, or gravel mulch. Plant groups shall be mulched in a continuous bed in which the edge of the mulching bed does not extend any more than four feet beyond the edge of the plantings.
  2. When required shrubs or trees are planted individually and away from nearby plants they shall be encircled in a mulched area with a diameter of no more than five feet. Evergreen trees are allowed a mulched circle with a diameter large enough to accommodate the spread of the tree and up to four additional feet of mulch beyond the edge of the tree.
  3. All mulch proposed to be placed within or directly adjacent to a parking lot shall be shredded hardwood bark or cypress mulch. Gravel mulch, river rock, or like rock is not permitted within or directly adjacent to parking lots.

**8.2.13 Plant Material**

- A. Plant Selection**  
All required plant material shall have been grown in a nursery that complies with the propagation standards of the American Association of Nurserymen. All plant materials shall be capable of withstanding the extremes of individual site microclimates.
- B. Trees and Shrubs for Which Points Cannot be Earned**  
These plants, whether planted or existing, will not be eligible for use in meeting any of the requirements of this section. If they are planted or retained, no points shall be credited under any provision of this section.
  1. The following trees are weak-wooded and generally undesirable within the urban landscape:

<b>a.</b>	<u>Box Elder</u>	<u><i>Acer negundo</i></u>
<b>b.</b>	<u>European Mountain Ash</u>	<u><i>Sorbus aucuparia</i></u>
<b>c.</b>	<u>European White Birch</u>	<u><i>Betula pendula</i></u>
<b>d.</b>	<u>White Mulberry</u>	<u><i>Morus alba</i></u>
<b>e.</b>	<u>Lombardi &amp; Boliana Poplar</u>	<u><i>Populus nigra cv.</i></u>
<b>f.</b>	<u>Purple Leaf Plum</u>	<u><i>Prunus cerasifera</i></u>



<u>g.</u>	<u>Russian Olive</u>	<u><i>Eleagnus angustifolia</i></u>
<u>h.</u>	<u>Siberian Elm</u>	<u><i>Ulmus pumila</i></u>
<u>i.</u>	<u>Willow</u>	<u><i>Salix spp.</i></u>
<u>j.</u>	<u>Black Locust</u>	<u><i>Robinia pseudoacacia</i></u>

2. The following shrub is undesirable due to its propensity to spread to adjacent land:

<u>a.</u>	<u>Multiflora Rose</u>	<u><i>Rosa multiflora</i></u>
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**C. Exotic, Invasive Woody Plants**

The following plants are exceptionally invasive and will damage native ecosystems and cause economic losses in the attempt to control their spread. They must be removed from the site on a current and ongoing basis. Please note that most of these plants are on the Illinois Banned Species List, and are illegal to buy, sell, or plant in the State of Illinois.

<u>1.</u>	<u>Tree of Heaven</u>	<u><i>Ailanthus altissima</i></u>
<u>2.</u>	<u>Autumn Olive</u>	<u><i>Eleagnus umbellatus</i></u>
<u>3.</u>	<u>Tartarian Honeysuckle</u>	<u><i>Lonicera tartarica</i></u>
<u>4.</u>	<u>Glossy Buckthorn</u>	<u><i>Rhamnus frangula</i></u>
<u>5.</u>	<u>Common Buckthorn</u>	<u><i>Rhamnus cathartica</i></u>
<u>6.</u>	<u>Saw-toothed Buckthorn</u>	<u><i>Rhamnus arguta</i></u>
<u>7.</u>	<u>Dahurian Buckthorn</u>	<u><i>Rhamnus davurica</i></u>
<u>8.</u>	<u>Japanese Buckthorn</u>	<u><i>Rhamnus japonica</i></u>
<u>9.</u>	<u>Chinese Buckthorn</u>	<u><i>Rhamnus utilis</i></u>
<u>10.</u>	<u>Kudzu</u>	<u><i>Pueraria lobata</i></u>
<u>11.</u>	<u>Round-leaved Bittersweet</u>	<u><i>Celastrus orbiculatus</i></u>
<u>12.</u>	<u>Japanese Honeysuckle</u>	<u><i>Lonicera japonica</i></u>

**D. Minimum Plant Material Size**

All required trees shall, at the time planting, be of the following minimum size. Trunk caliper shall be measured two feet above the ground:

1. **Shade Trees**  
Trunk caliper (diameter) of two and one-half inches.
2. **Evergreen Trees**  
Six feet in height.
3. **Intermediate Trees**
  - a. Single-stem varieties shall have a trunk caliper (diameter) of one and one-half inches.
  - b. Multi-stem varieties shall have a minimum height of six feet.
4. **Shrubs (all)**  
Two feet in height or spread.

## **8.2.14 Screening**

### **A. Drive-Through Facilities**

1. Drive-through windows and lanes placed between the right-of-way of a side street and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-through lane, located between the drive-through lane and the adjacent side street right-of-way. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 48 inches within two years of planting.
2. No drive-through window shall be permitted on the side of a building adjacent to any existing single-family or duplex lot.

### **B. Loading Areas**

1. All loading areas shall be located to the side or rear of buildings a minimum of 50 feet away from any single-family residential district, unless the loading area is wholly within a closed building.
2. All loading areas shall be fully screened from view from residential properties or public rights-of-way.
3. Additional loading area requirements can be found in 8.1.8, Off-Street Loading.

## **8.2.15 Alternative Compliance**

Petitioners may choose to follow the point system described above or to submit a landscape plan to the Zoning Administrator under the alternative compliance provisions. The alternative compliance provisions are intended to encourage innovative landscape designs that promote sustainability, reduce irrigation requirements, and utilize effective on-site storm water management techniques. The City recognizes that, due to the specific requirements of any given development, inflexible application of design standards may result in development with excessive paving and storm water run-off and a waste of space which could be left as open space.

The City may permit, during the site plan review process, deviations from the point system whenever it finds that such deviations are more likely to meet the intent and standards of this section and accommodate the specific characteristics of the use in question. The City may attach conditions to the approval of a deviation that bind such approval to the specific use in question.

Measures that reduce irrigation requirements and improve storm water management may include:

1. Raingardens and/or bioswales, or similar green infrastructure, constructed adjacent to or within parking lots shall be counted toward required parking lot landscaping.
2. Include native species plantings, grasses, and perennials which shall be counted toward required landscaping.

### **A. No Appeal of Zoning Administrator's Review**

If the petitioner chooses to submit a landscape plan through the alternative compliance provisions there will be no appeal of the Zoning Administrator's review. Denial by the Zoning Administrator will require that the petitioner amend the plan through the alternative compliance process or submit a plan through the standard point system process.

### **B. Basis for Review**

Landscape plans submitted through the alternative compliance process shall fully achieve the criteria pursuant to 8.2.3.

### **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.

**3. Appeals**

The decision of the Zoning Administrator shall be final. There shall be no appeal of the Zoning Administrator's decision.

## **8.3 SIGNS**

### **8.3.1 Purpose**

This chapter is intended to regulate the design and placement of signs from the date of adoption of this ordinance, in the following circumstances:

- A. Where a newly constructed facility includes signs;
- B. Where a sign is replaced because of a change of occupancy or ownership;
- C. Where a new sign is added to an existing building; and
- D. In the case of a granting of a special use or expansion of a facility which includes signs.

The sign regulations, controls, and provisions set forth in this section are made in accordance with an overall plan and program for the public safety, area development, preservation of property values, and the general welfare of the City of Peoria and are intended to: aid in traffic control and traffic safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs, in order to maintain and encourage business and area development; avoid uncontrolled proliferation of signs; recognize the rights of the public on roads, streets, and highways; preserve the wholesome and attractive character of the City; and to recognize that the general welfare includes a community plan that provides for a community that shall be beautiful as well as healthful, spacious as well as clean, and well balanced in its growth and development. Also, the purpose of the sign ordinance is to provide for the gradual elimination of nonconforming signs and to provide for new signs which conform to the provisions of this ordinance in order to accomplish its objectives.

### **8.3.2 Legislative Findings and Objectives**

Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in Peoria without difficulty or confusion and to encourage the attractiveness of the community and to protect property values throughout the City. Accordingly, it is the intention of this ordinance to establish regulations which will:

- A. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of accidents by distracting attention or obstructing vision;
- B. Reduce conflict among signs and light and between public and private environmental information systems;
- C. Promote signs which are compatible with their surroundings, are appropriate to the type of business to which they pertain and are expressive of the identity of proprietors and other persons displaying signs; and
- D. Increase opportunities for local groups to collectively determine policies for private signing and lighting in their areas.

### **8.3.3 Basis on Which Signs are Regulated**

The display of signs in the City is regulated on the basis of the following factors:

- A. The district in which the sign is displayed.

- B.** The following design features:
  1. The type of sign (wall, ground, etc.);
  2. The size of the sign;
  3. The height of the sign from the ground;
  4. The location of the sign;
  5. The type of illumination.
- C.** The use type in residential districts.  
In addition, certain signs are regulated on the basis of additional factors, as set forth in this ordinance.
- D.** The classification of the sign as an off-premises or on-premises sign.

**8.3.4 Establishment of Sign Districts**

For the purposes of this ordinance and excluding the Form Districts, the City is divided into certain sign districts as provided below.

<u>Residential Sign District</u>	<u>Commercial Sign District</u>	<u>Office Sign District</u>	<u>Industrial Sign District</u>	<u>Central Business Sign District</u>
<u>A1, RE, R1, R2, R3, R4, R5, R6, R7, R8</u>	<u>CG, C1, C2</u>	<u>CN, O1, O2</u>	<u>I1, I2, I3</u>	<u>B1</u>

**8.3.5 Computations**

The computation of sign area of individual signs and multi-faced signs, and sign height shall be as defined by Chapter 10 of this code.

The use of multiple message sign technology shall not cause a face to be counted as more than one face or additional square footage beyond the physical dimensions of the face itself. All computations of area for multi-faced signs shall exclude existing off-premises sign extensions.

**8.3.6 Sign Permits Required**

Zoning review shall accompany all building permit applications for signs. In instances where no building permit is required,, properties must comply with zoning requirements, which will be reviewed on a complaint basis through the enforcement process.

**8.3.7 Design, Construction and Maintenance**

- A.** All signs shall be designed, constructed and maintained in accordance with the following standards:
  1. Except for permitted flags, temporary signs, and window signs conforming in all respects with the requirements of the Code of the City of Peoria, all signs shall [be] constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
  2. All signs shall be maintained in good structural condition, in compliance all Codes of the City of Peoria, at all times.
  3. All signs, canopies and awnings shall be kept and maintained in a safe, neat and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the owner to prevent corrosion or deterioration caused by weather, age or any other conditions, and to keep the same in a safe, neat and orderly condition and appearance.
  4. All off-premises freestanding signs are required to have a single support structure, commonly known as "Uni-Pole" construction.
  5. Signs shall not obstruct visibility from a driveway to an abutting street or vice versa.

**8.3.8 External Illumination of Signs.**

**A. Visibility**

1. Whenever external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light is not directly visible from any surrounding public street or private residence.

**B. Brightness Limitations**

1. In no case shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination exceed 75 foot candles when measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign.
2. The lighting intensity of all signs is further subject to the provisions regarding glare as set forth in the Zoning Ordinance of the City.

**8.3.9 Prohibited and Exempt Signs**

**A. Prohibited Signs**

The following signs are prohibited in all districts:

1. Signs which move, or give the appearance of moving with the exception of those temporary signs permitted in 8.3.10. or exempted in 8.3.9.B. This category includes pennants, streamers, string pennants, "garrison" size flags (other than the official national flag of the United States of America), "feather" and "tear drop signs," and all other signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means.
2. Signs containing any flashing or running lights or lights creating an illusion of movement except for signs in the B1 district. Also exempt from this category are electronic multiple message signs subject to the requirements of 8.3.13.
3. Signs which imitate official traffic signs. Signs which use the words "stop," "look," "danger," "go slow," "caution," or "warning," are deemed to be within this category except where such words are part of the name of the business. This category (3) does not include signs which are accessory to parking lots, driveways or roads.
4. Portable or wheeled signs.
5. Signs placed on a parked vehicle or trailer where the apparent purpose is to advertise a product or direct people to a business or business located on the same or nearby property.
6. A sign in any residence district, exceeding a height of three and one-half feet above the street grade within 12 feet of the intersecting street lines bordering a corner lot.
7. A sign in any nonresidential district within eight feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.
8. Signs in required transitional buffer yards (TBY).
9. Wall, roof, projecting or stacked off-premises signs.
10. Murals on structures with solely a single-family or multi-family residential use/structure and associated accessory structures in residential districts.

**B. Exempt Signs**

The following are hereby designated as "exempt signs" and, as such are subject only to the regulations contained in this section 8.3.9.B. Exempt signs shall not exceed six square feet in area unless otherwise specified below:

1. House numbers and house nameplates, provided that nameplates shall not exceed one square foot in area.
2. Paper notices placed on bulletin boards or on kiosks maintained by any governmental organization.
3. Signs erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as authorized by law, statute, or ordinance.

4. Flags bearing the officially adopted design of a nation, state, or political subdivision of a state. Flags shall not exceed 30 square feet in size, except that United States of America garrison size flags are allowed.
5. Business flags displaying the name of the business and the corporation symbol or logo. Each nonresidential zoning lot shall be permitted one flag not to exceed 30 square feet.
6. Murals in non-residential districts and on structures with legal non-residential uses/structures in residential zoning districts.
7. Pedestrian signs not to exceed 6 square feet in area.

#### **8.3.10 Temporary and Permanent Signs**

- A. Sign regulations shall be applied as outlined in the table below:

	SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIZE	HEIGHT	MINIMUM REQUIRED SETBACK	LENGTH OF DISPLAY	ZONING DISTRICT	PERMIT REQUIRED	ADDITIONAL REQUIREMENTS
Temporary	Banner:	-	-	-	-	-	-	No	-
	Wall/fence	1 per frontage	Banner plus other wall signs cannot exceed 20% of facade	NA	NA	NA	Non Residential	No	-
	Pole mounted	1 per frontage	40 sq. ft.	5 feet	1/2 required yard	NA	Non Residential	No	-
	Light Standard	1 per pole	18 sq. ft.	Minimum clearance of 8 feet above grade	NA	NA	Non Residential	No	Rigid framework on a minimum of two sides.
	Grand Opening:	-	-	-	-	-	-	-	-
	String Pennants & Streamers	NA	NA	NA	1/2 required yard	14 days per grand opening	Non Residential	No	Permitted only for grand openings for new businesses in addition to other permitted temporary signs.
	Inflatables	1	25 feet in height, 30 feet in width or diameter	Maximum 25 feet	20 feet from property line and 10 feet from the building	Maximum consecutive 30 days	Non Residential	No	Display, at location of new business, allowed no more than 30 days before and 30 days after a grand opening event. Lighted signs are prohibited. Allowed with light standard signs, string pennants, and streamers. Inflatable sign not permitted with a temporary banner.
	Special Sales in Class C-2	Unlimited	40 sq. ft.	Not applicable for wall banners. Maximum 5 feet for pole mounted banners.	1/2 required yard for pole mounted banners. Not applicable for wall banners.	Maximum consecutive 30 days	C-2 Large Scale Commercial	No	Banners must be spaced at least 150 feet apart.
	Political	Unlimited	8 sq. ft. in Residential Districts 32 sq. ft. in Non-residential Districts	NA	NA	Residential = unlimited. Non-residential = removed within 7 days after election	All	No	-
	Real Estate (Sale or Lease)	1 per frontage	8 sq. ft. in Residential Districts 32 sq. ft. in Non-residential Districts	NA	NA	Removed within 7 days after binding agreement	All	No	Lighted signs are prohibited.
Construction	1 per project	16 sq. ft. in Residential Districts 64 sq. ft. in Non-residential Districts	NA	NA	Removed within 14 days after use commences or permanent signage is installed	All	No	For identity of parties involved: owner, architect, contractor, financing, project renderings, and purpose of project. No ads for products or services. Lighted signs are prohibited.	
Event	NA	8 sq. ft.	NA	NA	No more than 30 days prior to event and removed within 7 days after event	All	No	-	
Holiday Decorations	NA	NA	NA	NA	NA	All	No	Includes signs or other material displayed in connection with civic, patriotic, or religious holidays.	

	<u>Garage Sale</u>	<u>NA</u>	<u>8 sq. ft.</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>All</u>	<u>No</u>	<u>For the sale of tangible personal property.</u>
<b>Freestanding</b>	<u>On-premise</u>	<u>More than 1 if lineal frontage separation between signs is at least 150 feet</u>	<u>70 sq. ft. but not to exceed 1 sq. ft. per lineal foot of street frontage</u>	<u>25 ft. in Commercial &amp; Industrial Districts, 5 ft. in Office Districts</u>	<u>1/2 the required yard</u>	<u>NA</u>	<u>Non Residential</u>	<u>Yes</u>	<u>See Section 8.3.10.C.1</u>
	<u>Off-premise</u>	<u>See Section 8.3.10.C.2</u>	<u>See Section 8.3.10.C.2</u>	<u>See Section 8.3.10.C.2</u>	<u>1/2 the required yard</u>	<u>NA</u>	<u>Commercial &amp; Industrial</u>	<u>Yes/ Special Use</u>	<u>See Section 8.3.10.C.2</u>
	<u>Residential District Special Use</u>	<u>1</u>	<u>20 sq. ft.</u>	<u>5 feet</u>	<u>1/2 the required yard</u>	<u>NA</u>	<u>Residential</u>	<u>Yes</u>	<u>See Section 8.3.10.C.3</u>
	<u>Subdivision and Multi-family Development Identification</u>	<u>Not to exceed 2 per entrance</u>	<u>20 sq. ft.</u>	<u>5 feet</u>	<u>Support structure is exempt pursuant to Site Plan Review Board review and approval</u>	<u>NA</u>	<u>All</u>	<u>Yes</u>	<u>Solely for the purpose of identifying and displaying the name of a subdivision or specific neighborhood.</u>
	<u>Menu Board</u>	<u>Two per drive-thru lane</u>	<u>30 sq. ft.</u>	<u>5 feet</u>	<u>Prohibited in the primary front yard. 1/2 required yard for secondary front or corner side yard. No setback for side and rear yard.</u>	<u>NA</u>	<u>Non Residential</u>	<u>Yes</u>	<u>-</u>
	<u>Scoreboards</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>See Section 8.3.10.C.4</u>
<b>Building</b>	<u>Canopies &amp; Awnings</u>	<u>Total number cannot exceed 25% of facade</u>	<u>Not more than 25% of canopy surface may display business name, logo or purpose of business</u>	<u>Canopy minimum 7 ft above sidewalk.</u>	<u>NA</u>	<u>NA</u>	<u>For Businesses only</u>	<u>Yes</u>	<u>No portion of canopy or awning may extend beyond a point 2 feet inside the curb line. Must complement fenestration pattern of the building facade.</u>
	<u>Under Canopy</u>	<u>NA</u>	<u>18 inches in depth, length not to exceed 75% of depth of canopy, ceiling, roof or marquee to which sign is attached.</u>	<u>Lower edge of canopy sign must be a minimum 7 feet above the ground</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>Yes</u>	<u>Must complement fenestration pattern of the building facade.</u>
	<u>Marquee</u>	<u>1 per street frontage</u>	<u>20% of facade excluding the door and window area</u>	<u>Minimum 7 ft above sidewalk. Maximum 5 feet above marquee roof line</u>	<u>NA</u>	<u>NA</u>	<u>Permitted in B1 only. Special permit required in all non-residential</u>	<u>Yes</u>	<u>Prohibited in Residential. Must complement fenestration pattern of the building facade.</u>
	<u>Projecting</u>	<u>Projecting sign along with other buildings signs cannot exceed 20% of facade</u>	<u>20% of facade</u>	<u>Minimum 7 feet above ground</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>Yes</u>	<u>May extend over public right-of-way 2/3 of width of sidewalk. Inner edge of sign cannot be farther than 2 feet from building wall. Cannot extend beyond roof line. Must complement fenestration pattern of the building facade.</u>



	Rooftop	1	Subject to Special Use process	Subject to Special Use process	NA	NA	Permitted in B1 only. Special permit required in all non-residential	Yes	See Section 8.3.11 for applicable regulations in B1. Allowable information on a rooftop sign shall be restricted to the name of the business and/or its official logo only.
	Wall	Total number including temporary banners cannot exceed 20% of facade	20% of facade	NA	NA	NA	Non Residential	Yes	-
	Window	1 per window	20% for windows 8 sq. ft. or larger. 50% for windows less than 8 sq. ft.	NA	NA	NA	For Businesses only	Yes	Windows separated only by mullions shall be considered as one continuous window pane in the computation of window surface area
<b>Directional</b>	On-Premise	NA	4 sq. ft.	4.5 feet	None, but may not obstruct visibility between driveway and street	NA	All, except single family residential	Yes	See Section 8.3.10.C.6
	Off-Premise	NA	8 sq. ft.	4.5 feet	None, but may not obstruct visibility between driveway and street	NA	Only permitted in B1	Yes	May be displayed as either a building or freestanding sign.

**B. Temporary Signs**

1. Temporary signs displayed for a legal zoning use in nonresidential districts or a special use in residential districts may not advertise goods, products, services or facilities, or direct persons to a location different from where the sign is installed. All temporary signs must be properly anchored; and maintained in good repair, with no fading, tears or other wear, including at the seams and attachments. Permanent display of temporary signs is prohibited.

**C. Permanent Signs**

**1. On-Premises Freestanding Signs**

- a. Limitations for Area and Sign Height.  
Zoning lots fronting on two or more streets may be allowed to place freestanding signs on each frontage, however, the total sign area that is oriented toward a particular street may not exceed the portion of the lot frontage on that street and spacing requirements of 150 lineal feet as per 8.3.10.C.1.b.1).
- b. Spacing and Number of Signs Permitted.
  - 1) More than one on-premises freestanding sign may be permitted on a zoning lot provided that the lineal frontage separation between any other on-premises freestanding sign located on the same zoning lot shall be a minimum of 150 feet.
  - 2) An on-premise freestanding sign shall be spaced a minimum of 50 lineal feet from any off-premises freestanding sign located on the same street frontage.

**2. Off-Premises Freestanding Signs**

- a. Applicable Districts and Limitations for Area and Sign Height.
  - 1) Off-premises freestanding signs that have a maximum area limitation of 300 square feet and maximum height limitation of 30 feet, excluding off-premises sign extensions in either instance, are permitted uses in the commercial and industrial districts.
  - 2) Off-premises freestanding signs that are greater than 300 square feet in sign area, and have a maximum area limitation of 700 square feet and maximum

sign height of 40 feet, excluding off-premises sign extensions in either instance, may be approved as a special use, (pursuant to 2.9), by the City Council in the C2 and industrial districts.

**b.** Spacing for off-premises freestanding sign as a permitted use shall be a minimum of:

- 1) 50 lineal feet from the base of the sign to any on-premises freestanding sign located on the same street frontage;
- 2) 1,000 lineal feet from the base of the sign to any off-premises freestanding sign on either side of the street, permitted or special use; and
- 3) 300 lineal feet, measured in a radius from the base of the sign from any property line of residential zoned property.

**c.** Spacing for off-premises sign as a special use shall be spaced a minimum of:

- 1) 50 lineal feet from the base of the sign to any on-premises freestanding sign located on the same street frontage;
- 2) 2,000 lineal feet from the base of the sign to any off-premises freestanding sign on either side of the street as a permitted use;
- 3) 2,000 lineal feet from the base of the sign to any off-premises sign on either side of the street as a special use; and
- 4) 500 feet, measured in a radius from the base of the sign from any property line of residential zoned property.

**d.** Landscaping

All off-premises freestanding signs, permitted and special uses, which exceed eight square feet in size are required to have between 25 square feet and 157 square feet of landscaped area centered around the base of the sign. This required landscaped area shall contain up to 36 points of landscaping per 8.2. The amount of landscaped area and landscaping points are subject to DRB review and approval.

**e.** Frontage Requirement

The minimum frontage requirement for an off-premises sign is 100 lineal feet. This frontage requirement will reduce the zoning lot lineal frontage used to determine size and number of freestanding signs for the zoning lot. The presence of an off-premise sign on a zoning lot will reduce the allowable freestanding sign area for that zoning lot by 100 square feet.

**f.** Thoroughfare Location

Off-premises signs shall only be permitted on streets designated as a principal arterial on the official thoroughfare map of the City of Peoria except as provided in (5)(a) below.

Up to two off-premises signs may be permitted on access controlled freeways and up to two off-premises signs may be permitted on access controlled expressways as indicated on the thoroughfare map of the city subject to meeting all of the requirements of this ordinance.

**g.** Limitation on New Off-Premises Signs Greater Than Eight Square Feet.

- 1) From and after the effective date of this ordinance, no off-premises sign permit shall be issued and no off-premises sign shall be erected except as a replacement for one or more off-premise signs existing on the effective date hereof as described herein. Existing off-premises signs located on access controlled freeways may be replaced at the same location with another off-premise sign of the same or lesser size of the one being replaced. Such replacement shall not be subject to the requirements of 8.3.10.C.2.g.3) and 4).
- 2) Within 90 days after the effective date of this ordinance, all persons owning or controlling an off-premises sign, in excess of eight square feet in area, shall provide to the Department of Planning and Growth Management an inventory of all such legally established off-premises signs located within the City of Peoria, Illinois owned or controlled by them. Such inventory shall include the address of the sign, site location map, description of the sign's dimensions and a photograph of the sign. Such inventory is herein referred to as the

"replacement inventory." The replacement inventory shall include those off-premise signs existing on the effective date of this ordinance and signs which have not yet been erected but for which permits have been issued as of the effective date of this ordinance. Any signs which are not included in the replacement inventory and submitted within the 90-day period provided herein shall not be added later except as provided under 8.3.10.C.2.g.6).

- 3) From and after the effective date of this ordinance, all applications for new off-premises signs, in addition to all other requirements of this ordinance, must specify the off-premises sign or signs being replaced ("replaced sign"). Specific reference to the replaced sign shall be made in the application so that it can be readily identified in the replacement inventory. Within 180 days from the date that the off-premise sign permit is issued or within 30 days from the date the new sign is erected, whichever comes first, the applicant shall remove the replaced sign (if not previously removed) and provide to the Department of Planning and Growth Management photographic evidence of such removal together with an affidavit of removal. Once such evidence and affidavit is provided, the replacement sign shall be added to the replacement inventory and the replaced sign shall be removed from the replacement inventory.
- 4) No more than 24 replacement signs shall be permitted, with such replacement signs distributed by Council districts in effect on March 1, 2001, as follows:
  - (i) District 5—12 Replacement Signs
  - (ii) District 4—4 Replacement Signs
  - (iii) District 3—3 Replacement Signs
  - (iv) District 2—3 Replacement Signs
  - (v) District 1—2 Replacement Signs
- 5) The sign face area of a replacement sign shall not exceed the sign face area of the replaced sign or signs. By way of example, to erect a new sign having 300 square feet, the replaced sign or signs would be required to have at least 300 square feet in face area.
- 6) Notwithstanding any other provision herein, the replacement inventory shall be amended by the addition of any off-premises sign located, existing and permitted on the date of annexation of territory that is annexed to the City of Peoria after the effective date of this ordinance provided such off-premise sign meets the requirements of 8.3.10.C.
- 7) 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.

**3. Residential District Special Use Sign**

A special use in a residential district may display either a ground or wall on-premises sign. An existing special use may display either a ground or wall on-premises sign(s) with administrative approval provided the sign(s) meet the area and height requirements and the standards for approving a special use per 2.9.10. A freestanding sign has a maximum area limitation of 20 square feet, and a maximum sign height limitation of five feet. Special uses in residential districts may also display temporary signage pursuant to 8.3.10.B unless otherwise prohibited by a condition of the special use.

**4. Scoreboards accessory to arenas, stadiums, and sports fields**

Special uses allowing arenas, stadiums, and sports fields may display a freestanding or wall on-premises scoreboard pursuant to the following conditions:

- a. A wall or freestanding on-premises scoreboard shall face the arena, stadium, or sports field.
- b. Sign content may be placed on the front of a wall, or front and rear of a freestanding on-premises scoreboard accessory to an arena, stadium, or sports field.
- c. A donor plaque or sign placed on the freestanding on-premises scoreboard shall not exceed 20 percent of the scoreboard size and shall only designate the donor name and shall not include the following: franchise reading matter, letters,

numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions, copyrighted logos and patterns.

- d. Freestanding and wall on-premises scoreboards that do not adhere to the above-mentioned conditions must obtain a special use pursuant to 2.9.
- e. Existing special uses allowing arenas, stadiums, and sports fields may display a wall or freestanding on-premises scoreboard pursuant to conditions a, b and c above with administrative approval.

**5. Building Signs.**

Building signs are on-premises signs attached to a building and are subject to any size, number, location or other requirements noted in the table above. In addition, the sum of the area of all individual building signs, including permitted temporary banners, on a building facade shall not exceed 20 percent of the facade upon which the signs are displayed. Permitted building signs include:

**a. Window Displays**

No restrictions are placed on window displays. However, no window display may be maintained which has the effect of circumventing the intent of this 8.3. If material purporting to be a window display has such effect, it shall be deemed to be a window sign and not a window display.

**6. Directional Signs.**

On-premise directional signs are permitted in all districts and may be displayed as either a building or freestanding sign. Off-premise directional signs are permitted in the B1 Central Business District and may be displayed as either a building or freestanding sign.

**a. On-premise directional or instructional signs accessory to parking and driveway areas, subject to the following regulations:**

- 1) Such signs shall not be permitted in single-family residential districts.
- 2) One single or double-faced sign may be erected to designate each entrance to or exist [exit] from a parking or driveway area, provided that the surface area of such sign shall not exceed four (4) square feet.
- 3) Signs designating the conditions of use of off-street parking spaces furnished by a business may be placed in parking lots or alleys. Such signs shall include the name of the business furnishing the parking spaces but shall not include any advertising.
- 4) On-premise directional signs may not exceed four and one-half feet in height and do not have to observe a setback; however, in no case shall the sign obstruct visibility from a driveway to an abutting street or vice versa.

**b. Off-premise directional or instructional signs are subject to the following regulations:**

- 1) Such signs shall only be permitted in the B1 Central Business District.
- 2) One single or double-faced sign may be erected to indicate the location or direction of parking or the location of a use not provided or conducted on the site of the off-premise directional sign, provided that the surface area of such sign shall not exceed eight square feet.
- 3) Off-premise directional signs may not exceed four and one-half feet in height and do not have to observe a setback; however, in no case shall the sign obstruct visibility from a driveway to an abutting street or vice versa.

**8.3.11 Permitted Signage in the B1 Central Business Sign District.**

**A. Permitted signage in the B1 district is as follows:**

- 1. One real estate sign advertising the rent, sale or lease of the land or building upon which it is located. Such sign shall not exceed thirty-two (32) sq. ft. in area.
- 2. One sign of a temporary nature that identifies an engineering or architectural firm, contractor or product engaged in or used in construction of a building under construction. The sign surface area shall not exceed twelve (12) square feet and shall be removed on occupation of the intended use of the project and shall be located twelve (12) feet back from the property line or one-half the front yard depth, whichever is less, and shall not be illuminated.

3. One sign or bulletin board not exceeding twenty (20) square feet in area is permitted in connection with public buildings, projects, subdivisions, schools, hospitals or similar uses and shall be located twelve (12) feet back of the property line or one-half of the front yard depth, whichever is less. Such sign shall be solely for the purposes of displaying the name of the building or institution and its activity or service. It may be illuminated but not flashing.
4. One on-premise sign per facing, either projecting or freestanding, Regulations governing projecting and freestanding signs are: (1) The background area (size) of freestanding and projecting signs shall not exceed one square foot for each lineal foot of principal street frontage; (2) They may extend over the public way a distance of two-thirds of the width of the sidewalk; (3) The lower edge of the projecting sign shall be a minimum of ten (10) feet above the surface of the public way; (4) The inner edge of the projecting sign cannot be farther than two (2) feet from the building; (5) A projecting sign cannot extend above the parapet wall; (6) Freestanding signs may be erected to a maximum height of twice the height of the building served but not to exceed forty (40) feet.
5. On-premise Wall Signs not to exceed forty (40) percent of the building facade and not extending more than fifteen (15) inches from the wall. A sign is also permitted made of individual letters, not to exceed sixteen (16) per cent of the facade area. The first forty (40) feet only of vertical height of any building may be used in determining the building facade in calculating sign areas.
6. Off-premise freestanding signs shall be permitted pursuant to the regulations in 8.3.10.C.2 for C2 off-premise freestanding signs.
7. On-premise roof signs may not exceed forty (40) per cent of the building facade and letters may not exceed sixteen (16) per cent of the building facade and may not be more than thirty (30) feet in height above the roof line nor exceed the maximum allowable building height. Each facade may contain one (1) roof sign.
8. Flashing signs shall be permitted in this district.
9. Marquee signs are permitted on the fascia, front, over or under the canopy, but not to exceed five (5) feet above the marquee roof line.
10. Temporary signage is permitted pursuant to 8.3.10.A and B.
11. Canopy and awning signs are permitted pursuant to 8.3.10.A.
12. A sign announcing a drive or event may be placed on any building in the Central Business District. Such event signs may be displayed in the form of one (1) banner per building, not to exceed forty (40) per cent of the building façade for a period not to exceed six (6) months; seven (7) days are required between each display period. Only the first forty (40) feet of vertical height of any building façade may be used in calculating the signage area. The sign cannot obstruct any opening in the building wall the sign is displayed upon. The sign shall be removed within seven (7) days after the event has been completed. The sign must be maintained in good repair, free from tears or deterioration, during the full period of display.

### **8.3.12 Shopping Centers.**

Signage for shopping centers shall be determined pursuant to the special use and local sign regulation procedures.

### **8.3.13 Special Regulations for Electronic Multiple Message Signs.**

#### **A. Purpose**

These regulations offer specific construction and operation regulations for the safe and appropriate use of electronic multiple message signs. Electronic multiple message signs may be but are not limited to: time/temperature signs, signs which display stock market information, electronic message/reader boards, and electronic billboard displays. These regulations shall apply to signs in all zoning districts unless otherwise specified.

#### **B. Sign Area**

The area of an electronic multiple message sign shall be included in any sign area calculation.

**C. Regulations**

**1. Table of Definitions, Locations Allowed, Dwell and Transition Times.**

	<u>How Defined</u>	<u>Where Allowed</u>	<u>Dwell Time and Transitions</u>
<u>Static Images Only</u>	<u>Sign content/messages contain no video, and do not move, blink, animate, flash, or behave in any other way which constitutes or implies motion.</u>	<u>City-wide</u>	<u>May change their message no more than once per every ten seconds, except that time/temperature/stock market signs are allowed change their message no more than once per every three seconds. No animation, traveling, scrolling, fades, or dissolves are permitted between displayed messages. Transitions between content/messages shall be instantaneous.</u>
<u>Moving Transitions and Borders</u>	<u>Non-static transitions that may fade, dissolve; or have borders that appear to scroll or travel.</u>	<u>Not permitted on signs exceeding 70 square feet Permitted on property that: 1. Is zoned C1, C2, CN or CG; and 2. Has frontage on a principle arterial or higher, as designed in the adopted Thoroughfare Map</u>	<u>Borders and backgrounds: 1. Fades, dissolves; and borders that appear to scroll or travel are permitted. 2. Border scrolls and travel must be one-directional. 3. Video is prohibited. Text: 1. Three second dwell time. 2. Static transitions only. 3. No animation. Restrictions: No strobe-lighting (or fast flashing tantamount to strobes) is permitted.</u>
<u>Video</u>	<u>Continuous movement, but no flashing or strobe.</u>	<u>B-1 Zoning District only</u>	<u>No restrictions except for that stated under prohibited signs, including no flashing or strobe.</u>

**D. Automatic Dimming**

Electronic multiple message signs shall be equipped with light sensing devices or a scheduled dimming timer which automatically dim the intensity of the light emitted by the sign during ambient low-light and nighttime (dusk to dawn) conditions. The signs shall not exceed 500 nits of intensity as measured at the sign surface during nighttime and low-light conditions and 5,000 nits during daytime hours.

**E. Maintenance**

Electronic multiple message signs shall be properly maintained. Bulbs, LEDs, pixels and the like shall be in working, properly illuminating condition at all times.

**8.3.14 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.

**A. Types of Signs Allowed by Special Permit.**

The following types of signs will be allowed by special permit only:

1. Historic signs;
2. 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;

3. Certain illuminated signs listed in the Table of Basic Design Elements;
4. Signs governed by "local sign regulations"; and
5. Marquee and rooftop signs in nonresidential districts other than B1.

**B. 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.

**C. Administration of Special Permit**

Regulations for procedure and for hearings shall be the same as that outlined for special uses.

**8.3.15 Local Sign Regulations.**

**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 Development 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.

**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.

**C. Approval Procedure**

Persons desiring to obtain approval of local sign regulations pursuant to this section 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 Development 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.

**D. Private Signage Agreements**

Nothing in this section 8.3 or elsewhere in this ordinance shall prevent any building owner or association of merchants from establishing by lease or other form of agreement sign regulations which are more stringent than those set forth in this ordinance.

**8.3.16 Maintenance of Signs**

Signs shall be maintained per Chapter 5, Section 202.0 and 304.2 of the City Code.

**8.4 OUTDOOR STORAGE AND DISPLAY**

**8.4.1 Purpose**

The purpose of this section is to provide reasonable limits on the outside storage and display of merchandise in conjunction with a permitted principal use in a commercial, industrial, institutional, or form district. These standards ensure that such display and storage contribute to the normal activities of a use while not creating a public health or safety hazard or a nuisance.

**8.4.2 Applicability**

- A.** Any merchandise, material or equipment situated outdoors in a commercial, industrial, institutional or the form districts shall be subject to the requirements as set forth below.
- B.** Where allowed, the outdoor sale, lease or rent of motor vehicles as part of a properly permitted use shall not be considered merchandise, material or equipment and shall be subject to the parking lot perimeter landscape requirements of 8.2.8.
- C.** Additional requirements for Industrial Districts can be found in 4.5.6, Limit on Outdoor Activity.

**8.4.3 Allowed Outside Storage and Display**

Outdoor storage and display is allowed by district as designated below. Outside storage and display may be allowed in a district not specifically designated in accordance with the special use procedures (see 2.9).

	CN	CG	C1	C2	B1	I1	I2	I3	N1	P1	PR	ST	WH	WM
<u>Outdoor Display</u>	■	■	■	■		■	■	■			■	■	■	■
<u>Limited Outdoor Storage</u>		■	■	■	■	■	■	■	■		■	■	■	■
<u>General Outdoor Storage</u>						■	■	■					■	

Key = ■ Permitted      Blank Cell = Not Permitted

**8.4.4 Categories of Outside Storage and Display**

Outside storage and display is classified as follows.

**A. Outdoor Display**

- 1.** Outdoor display is the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (such merchandise shall be considered limited outdoor storage).
- 2.** Outdoor display shall be permitted in association with any nonresidential use (in accordance with 8.4.3) following review and approval of a site plan illustrating the extent of the permitted area for outdoor display provided it meets the standards below.
  - a.** Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.
  - b.** Outdoor display shall be permitted adjacent to the building façade and shall extend no more than eight feet from the façade.
  - c.** Outdoor display shall be located no closer than five feet from any public entrance.
  - d.** Outdoor display shall occupy no more than 30% of the horizontal length of the building façade.
  - e.** Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.

**B. Outdoor Storage**

**1. General**

Outdoor storage is more intensive than outdoor display. Outdoor storage is not normally brought indoors overnight. Outdoor storage is broken in two categories as follows:



## **2. Limited Outdoor Storage**

- a.** Limited outdoor storage is the overnight outdoor storage of vehicles awaiting repair, RV and boat storage at a self-service storage facility, merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
- b.** Limited outdoor storage is permitted in association with any permitted nonresidential use (in accordance with 8.4.3) following review and approval of a site plan illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
  - 1)** Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100 percent opaque visual barrier or screen.
  - 2)** All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential district.
  - 3)** Limited outdoor storage shall be located in the rear yard.
  - 4)** Limited outdoor storage may be located to the side of a building, provided it is not located within the required side yard or Transitional Buffer Yard.
  - 5)** Vehicles awaiting repair may be stored up to 14 days within the required screened storage area, provided that no more than ten such vehicles shall be stored at any one time.

## **3. General Outdoor Storage**

- a.** General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
- b.** General outdoor storage shall be permitted in association with any permitted nonresidential use following review and approval of a site plan illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
  - 1)** General outdoor storage shall be screened by 100 percent opaque, eight foot high visual barrier or screen, except where located abutting or across the street from a residential district such screening shall be high enough to completely conceal all outdoor storage from view.
  - 2)** Screening shall adhere to the requirements for fences in 5.4.8.

## **8.5 OUTDOOR SITE LIGHTING**

### **8.5.1 Applicability**

All outdoor lighting shall be subject to the following requirements.

#### **A. Prohibited Light Sources**

The following light fixtures and sources shall not be used where the direct light emitted is visible from adjacent public areas and adjacent properties:

- 1.** Low-pressure sodium and mercury vapor light sources;
- 2.** Searchlights and other high-intensity narrow-beam fixtures, except for accent lighting as defined in 8.5.3.B

### **8.5.2 Design Requirements**

Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

**A. Fixture (Luminaire)**

Light shall be directed downward and all fixtures shall be mounted horizontal to the ground surface to minimize the amount of light spillage into the night sky and onto adjacent properties. All lighting fixtures shall be cutoff fixtures in accordance with Illuminating Engineering Society (IES) standards. Tilt arms are prohibited.

**B. Fixture Height**

Lighting fixtures shall be a maximum of 45 feet in height (including base) within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.

**C. Light Source (Lamp)**

Lighting with a similar color temperature shall be used for similar types of lighting on any one site throughout any development.

**D. Light Spill/Trespass**

If necessary, house-side shields shall be used on light fixtures adjacent to residential zoned property to prevent glare, light spill or trespass.

**8.5.3 Specific Lighting Standards**

**A. Building Mounted Lighting**

1. Building mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be full cut-off
2. Building mounted fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

**B. Accent Lighting**

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize glare and light spill into the night sky.

**C. Canopy Area Lighting**

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use flat lens, full cutoff fixtures and shall not exceed 25 foot-candles of illumination under the canopy.

**D. Parking Area Lighting**

All non-residential parking lots shall follow Illuminating Engineering Society (IES) parking lot standards. A minimum of ½ foot-candle of illumination is required on the parking surface and a 5:1 average-to-minimum uniformity ratio over 95% of the parking surface shall be required for the parking areas.

**E. Excessive Illumination**

1. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this section.
2. Any lighting used to illuminate off-street parking areas shall be down lit away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed one-half (½) foot-candle measured at the lot line as measured at the time of installation.
3. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

**8.5.4 Submission Requirements**

All lighting plans must be prepared by a lighting professional and all lighting plans must contain the following:

- A. A site photometric plan indicating foot-candle levels at grade to all lot lines.
- B. The location and height of all fixtures and poles.
- C. Specifications such as average-to-minimum uniformity ratio and maximum illumination.
- D. Specifications or "cut-sheet" of each type of fixture used.

## **8.6 STREAM BUFFERS**

### **8.6.1 Purpose**

The purpose of the stream buffer requirements are to establish minimal acceptable requirements for the design of buffers to protect property adjacent to streams and floodways; to protect the water quality of watercourses, reservoirs, lakes, wetlands, and other significant water resources; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of land resources.

### **8.6.2 Applicability**

- A.** This section shall apply to:
- 1.** All proposed development which includes subdivision of land; construction or alteration of structures;
  - 2.** All existing parcels of land, structures and activities, as determined by site inspection, which are causing or contributing the following to all of the waters:
    - a.** Pollution, including point source and non-point pollution;
    - b.** Erosion or sedimentation of stream channels;
    - c.** Degradation of aquatic or riparian habitat.
- B.** This section shall not apply to:
- 1.** All development which meets the waiver criteria as outlined in 8.6.6.
  - 2.** Agricultural operations that are existing at the time of the passage of this development code or, after implementation of this development code, are determined to have no significant negative effects upon the water quality of the watercourse.
  - 3.** The Illinois River.

### **8.6.3 Stream Buffer Design Standards**

- A.** Buffers shall be vegetated either in their natural state or using appropriate, nursery stock vegetation as noted in 8.6.11. Soil disturbance in buffer areas shall be minimized. Every attempt should be made to reduce or eliminate cut and fill activities, topsoil respread and soil compaction. Maintaining existing and/or development of buffer areas in naturally occurring soils is preferred. Where necessary, invasive species removal may be allowed prior to establishment of native vegetation.
- B.** Buffers shall be designated along both sides of the stream. Buffer width is measured from the top of the stream bank and shall be based on the size of the watershed utilizing the following table (except as otherwise more specifically provided in this section):

<u>Total Surface Area of Watershed (Each side of channel)</u>	<u>Required Minimum Buffer Width (feet)</u>
<u>Less than 1 square mile</u>	<u>30 feet</u>
<u>More than 1 square mile</u>	<u>50 feet</u>

- 1.** Stream buffers shall be extended to encompass the entire 100-year floodway.
- 2.** There shall be no septic systems, permanent structures or impervious cover, with the exception of paths and other structures otherwise permitted by this part.
- 3.** The buffer width shall be adjusted to include contiguous, sensitive areas, such as steep slopes (greater than 30% grade) or erodible soils, where development or disturbance may adversely affect soil erosion, water quality, streams, or other water bodies. Adjustments shall be accomplished by evaluating the potential of a site to produce impacts that result in runoff, soil erosion, and sediment transport.

#### **8.6.4 Buffer Management and Maintenance**

- A.** The stream buffer, including wetlands and floodways, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within the stream buffer located on privately owned property, except with approval by the Director of Community Development.
1. Clearing of existing native vegetation;
  2. Soil disturbance by grading, stripping, or other practices;
  3. Filling or dumping, or private drainage of sump pumps;
  4. Drainage by ditching, underdrains, or other systems;
  5. Use, storage, or application of pesticides, except for the spot spraying of noxious weeds or non-native species consistent with recommendations of the Director of Community Development.
  6. Storage or operation of motorized vehicles, except for maintenance or emergency use, approved by the Planning Director.
- B.** The following structures, practices, and activities are permitted in the stream buffer located on privately owned property, with specific design and/or maintenance features, subject to the approval of the Planning Director:
1. Flood control structures;
  2. Utility rights-of-way and facilities;
  3. Biking and hiking paths;
  4. Road crossings. Where permitted shall be generally perpendicular to the channel. The minimum number of road crossings should be used within each subdivision. An analysis needs to be conducted to ensure that no economically feasible alternative is available;
  5. Stormwater management facilities as approved by the Director of Public Works;
  6. Recreational and park uses as approved by the Director of Community Development;
  7. Selective tree and vegetation clearing as approved by the Director of Community Development;
  8. Sanitary sewers constructed towards the outside edge (greatest distance from the channel) to the extent practical.
- The Director of Public Works must approve these practices and activities within City of Peoria rights-of-way. Appeals of the Director of Public Works review shall require the applicant to submit a plan through the standard Planning and Zoning Commission and City Council approval process.
- C.** All plats and plans prepared for recording and all right-of-way plats under City jurisdiction shall clearly:
1. Show the extent of any stream buffer on the subject property by metes and bounds;
  2. Show easement or access to the stream buffer area;
  3. Label the stream buffer;
  4. Provide a note to reference any stream buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Peoria within the stream buffer area."
  5. Provide a note to reference any protective covenants governing all stream buffer areas stating: "Any stream buffer shown hereon is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas."
- D.** In order to ensure long-term maintenance and inspection access, those areas within the buffer, if not otherwise publicly owned, must be granted to the City of Peoria as a permanent drainage, conservation, and maintenance easement and depicted on all plats of survey and development plans. Such easements shall contain the following protective development covenant and deed restriction:

"All stream buffer areas shall be maintained through a declaration of protective covenant that has been approved and executed by the Director of Community Development. The covenant shall be recorded at the Peoria County Recorder of Deeds and shall run with the land and continue in perpetuity."

- E. All lease agreements must contain a notation regarding the presence and location of protective covenants for stream buffer areas and information on the management and maintenance requirements for the stream buffer for the new property owner.
- F. An offer of dedication of a stream buffer area to the City of Peoria shall not be interpreted to mean that this automatically conveys to the general public the right of access to this area.
- G. The City of Peoria shall periodically inspect the stream buffer for evidence of sediment deposition, erosion, or concentrated flow channels and cause the responsible entity to take corrective actions to ensure the integrity and functions of the stream buffer.
- H. Stream buffer areas may be allowed to grow into their vegetative target state naturally, but methods to enhance the succession may be required when deemed necessary by the public works department to ensure the preservation and propagation of the buffer area. Buffer areas may also be enhanced through reforestation or other growth techniques as a form of mitigation for achieving buffer preservation requirements.
- I. If not left in its natural state, replanting of the buffer with deep-rooted plantings from quality nursery stock, as suggested in the list in 8.6.11, shall be allowed.
- J. Structure, practices, and activities must meet good stormwater management engineering practices and the intent of this part.

#### **8.6.5 Buffer Plan Requirements**

- A. The buffer plan shall be submitted in conjunction with the required grading plan for any development; and the stream buffer, and access to it, shall be clearly delineated on the preliminary and final plats or plans and construction plans.
- B. The plan shall contain the following information. The scale of maps to be included with the analyses in items 1 through 7 should generally be one inch equals 100 feet scale. Other scales may be acceptable as approved by the Planning Director.
  - 1. A location or vicinity map;
  - 2. Field delineated and surveyed streams, bodies of water, and wetlands (include a minimum of 100 feet into adjacent properties);
  - 3. Limits of the ultimate 100-year floodway. The limits of the ultimate floodway, i.e., the floodway under "built-out" conditions, may not be available in all locations;
  - 4. Hydric soils mapped in accordance with the National Resource Conservation Service (NRCS) soil survey of the site area;
  - 5. Steep slopes greater than 30% for areas adjacent to and within 100 feet of streams, wetlands, or other waterbodies;
  - 6. A description or photograph of existing vegetation greater than six inches in diameter breast height (dbh) within the buffer;
  - 7. Location of permanent boundary markers.
- C. Temporary boundary markers must be in place at every property line prior to grading of the site. Permanent boundary markers shall be installed by the developer prior to the acceptance of all public improvements by the City of Peoria. Signs shall be constructed of durable, weather resistant material, permanently affixed to a post four feet in height and placed at the edge of the buffer area at every property line. Sign dimensions shall be five inches by seven inches. Signs must read "Conservation Area: No Mowing Allowed Beyond This Point. Removal of this sign will result in enforcement action."

#### **8.6.6 Waivers**

- A. This section shall apply to all proposed development, except for that development which prior to the effective date of this development code:

1. Is covered by a valid, unexpired preliminary or final plat, unless a replat or resubdivision is undertaken;
  2. Is covered by a valid, unexpired building permit for as long as the building permit remains in effect;
  3. Has been granted a waiver of current development regulations, which would be in conflict with this section.
  4. Buildings in existence as of the effective date of this development code, which would otherwise be in violation of this section, shall be entitled to remain in their current location and design.
- B.** Requests for waivers shall be submitted through the Planning and Zoning Commission and City Council. Waivers may be granted for the following:
1. Those projects or activities where it can be demonstrated that strict compliance with this development code would result in a practical difficulty or financial hardship;
  2. Those projects or activities serving a public need where no feasible alternative is available.
  3. The buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets or exceeds the minimum requirement and no new structures are built within the 100-year floodway.
- C.** The applicant shall submit a written request for a waiver to the Director of Community Development. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The Director of Community Development may require an alternative analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.
- D.** In reviewing a request for a waiver, the Planning and Zoning Commission may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodways
- E.** The request for waiver along with the Planning and Zoning Commission's recommendation shall be forwarded to City Council for final approval.

### **8.6.7 Alternative Compliance**

- A.** Petitioners may choose to follow the buffer standards as described above or to submit a buffer plan under the alternative compliance provisions of this section. The alternative compliance provisions are intended to give the petitioner the flexibility needed to respond to unique site issues and client needs and still meet the intent of this section.
- B.** Denial by the Director of Community Development of a buffer plan submitted through the alternative compliance provisions will require that the petitioner amend the plan through the alternative compliance process or submit a plan through the standard Planning and Zoning Commission and City Council approval process.
- C.** Buffer plans submitted through the alternative compliance process shall fully achieve the standards as described in 8.6.3.

### **8.6.8 Enforcement Procedures**

- A.** The City of Peoria is authorized and empowered to enforce the requirements of this section in accordance with the procedures of this development code.
- B.** If, upon inspection or investigation, the Director of Community Development is of the opinion that any person or entity has violated any provision of this section, the Planning Director shall with reasonable promptness issue a correction notice to the person. Each such notice shall be in writing and shall describe the nature of the violation, including a reference to the provision within this section, which has been violated. In addition, the notice shall set a reasonable time for the abatement and correction of the violation.

- C. If it is determined that the violation(s) continue after the time fixed for abatement and correction has expired, the Director of Community Development shall issue a citation by certified mail to the person or entity who is in violation. Each such notice shall be in writing and shall describe the nature of the violation, including a reference to the provision within this section which has been violated, and what penalty, if any, is proposed to be assessed. The person or entity charged has 30 days within which to contest the citation or proposed assessment of penalty and to file a request for a hearing with the Planning Director. At the conclusion of this hearing, the Director of Community Development will issue a final order, subject to appeal to the Circuit Court of Peoria County. If, within 30 days from the receipt of the citation issued by the Director of Community Development, the person or entity fails to contest the citation or proposed assessment of penalty, the citation or proposed assessment of penalty shall be deemed the final order of the Director of Community Development.
- D. Any person or entity who violates any provision of this section may be liable for any cost or expenses incurred as a result thereof by the City of Peoria.
- E. Penalties, which may be assessed for those deemed to be in violation, may include:
  1. A civil penalty not to exceed \$1,000.00 for each violation with each day's continuance considered a separate violation;
  2. A criminal penalty in the form of a fine of not more than \$1,000.00 for each violation or imprisonment for not more than 90 days, or both. Every day that such violation(s) shall continue will be considered a separate violation;
  3. Anyone who knowingly makes any false statements in any application, record, plat, or plan required by this part shall upon conviction be punished by a fine of not more than \$1,000.00 for each violation or imprisonment for not more than 30 days, or both.
- F. In addition to any other sanctions listed in this section, a person or entity who fails to comply with the provisions of this buffer section shall be liable to the City of Peoria in a civil action for damages in an amount equal to twice the cost of restoring the buffer. Damages that are recovered in accordance with this action shall be used for the restoration of buffer systems or for the administration of programs for the protection and restoration of water quality, streams, wetlands, and floodways.

### **8.6.9 Conflict with Other Regulation**

Where the standards and management requirements of this buffer section are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodways, timber harvesting, land disturbance activities or other environmental protective measures, the more restrictive shall apply.

### **8.6.10 Stream Buffer Map**

A map of blue-line streams as determined by the current United States Geological Survey map and displayed on the official stream buffer map as amended from time to time. This map shall be made available by the Director of Community Development.

### **8.6.11 Stream Buffer Plant List**

The City shall maintain a plant list containing flood tolerant native northern Illinois trees, shrubs, vines and seed mixes acceptable for replanting in the buffer area. The following plants are exceptionally invasive and will damage native ecosystems. Most of these plants are on the Illinois Banned Species list and are illegal to buy, sell, or plant, in the State of Illinois.

- |           |                              |                            |
|-----------|------------------------------|----------------------------|
| <u>A.</u> | <u>Tree of Heaven</u>        | <u>Ailanthus altissima</u> |
| <u>B.</u> | <u>Autumn Olive</u>          | <u>Eleagnus embellatus</u> |
| <u>C.</u> | <u>Tartarian Honeysuckle</u> | <u>Lonicera tartaric</u>   |
| <u>D.</u> | <u>Glossy Buckthorn</u>      | <u>Rhamnus frangula</u>    |
| <u>E.</u> | <u>Common Buckthorn</u>      | <u>Rhamnus cathartica</u>  |
| <u>F.</u> | <u>Saw-toothed Buckthorn</u> | <u>Rhamnus arguta</u>      |

<u>G.</u>	<u>Dahurain Buckthorn</u>	<u>Rhamnus davurica</u>
<u>H.</u>	<u>Japanese Buckthorn</u>	<u>Rhamnus japonica</u>
<u>I.</u>	<u>Chinese Buckthorn</u>	<u>Rhamnus utilis</u>
<u>J.</u>	<u>Kudzu</u>	<u>Pueraria lobata</u>
<u>K.</u>	<u>Round-leaved Bittersweet</u>	<u>Celastrus orbiculatus</u>
<u>L.</u>	<u>Japanese Honeysuckle</u>	<u>Lonicera japonica</u>



## **9.0 NONCONFORMITIES**

### **9.1 PURPOSE**

The purpose of this Chapter is to provide for the following:

- A. Continuing maintenance of nonconforming uses, buildings, structures and site elements, uses which do not conform to the provisions of this development code but which complied with applicable laws when established;
- B. Provide for the gradual replacement of nonconforming uses with uses that conform to the provisions of this development code;
- C. Provide for the expansion of nonconforming uses by the City Council;
- D. Provide for the continuance of nonconforming use of land; and
- E. Provide for the continuance and expansion of nonconforming buildings, structures and site elements.

### **9.2 GENERAL PROVISIONS**

#### **9.2.1 Burden of Establishing Nonconformity**

The burden of establishing any nonconformity is to be met by the owner or party seeking to continue the use,. Such persons shall provide sufficient proof in a form acceptable to the Zoning Administrator of the following:

- A. Date of construction of the building or structure or date the use was established (proof may consist of a certified copy of the business license or building permit).
- B. Continuous operation of the nonconforming use (proof may consist of affidavits signed by persons having personal knowledge of the use of the premises since the use was established).
- C. Such other proof as may be deemed necessary by the Zoning Administrator.

#### **9.2.2 Relocation of Building or Structure**

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved and the use made thereof is made to conform to all of the regulations of the district in which it is to be located.

#### **9.2.3 Exception for Repairs Pursuant to Public Order**

In order to accomplish the objectives of the Ordinance without posing any hazard to the public or occupants of buildings and structures, nothing in this Chapter shall be deemed to prevent the strengthening or restoration of an unsafe structure in accordance with any order of a public official who is charged with protecting the public safety, and who finds that the structure which is the subject of the order is unsafe in its then present condition, and that repair or restoration is not in violation of the provisions of this Chapter governing the restoration of partially damaged or destroyed structures and signs.

### **9.3 NONCONFORMING USE OF A BUILDING, STRUCTURE, LAND, LOTS OF RECORD**

The nonconforming use of a building, structure, land or lots of record may be continued, subject to the provisions of this section.

<b>NONCONFORMING:</b>	<b>CONTINUANCE</b>	<b>DISCONTINUANCE</b>	<b>EXPANSION</b>	<b>CHANGE</b>
<b>Use of</b>	-	-	-	-
<b><u>Building or Structure</u><sup>1,2</sup></b>	<u>Any structure originally designed and intended for more than one dwelling unit may have its use continued provided the original structure has not been altered to diminish the number of original dwelling units. Additional units cannot be added to the original design.</u>	<u>Except as otherwise provided in this Article, the voluntary abandonment of any nonconforming use of a building, structure, or premises for a period longer than one year shall terminate any rights conferred by this Article to continue such use.</u>	<u>Any expansion of a nonconforming use shall be permitted only after it has been reviewed by the reviewing body having jurisdiction and approved by the City Council as a special use.</u>	<u>A nonconforming use may be changed to another nonconforming use provided that the new nonconforming use is less intense than the existing nonconforming use. Such change shall be permitted only after it has been reviewed and approved by the City Council as a special use. The jurisdiction over such change, the review of proposals and approval standards and procedures shall be the same as those which are applied for special uses; however the proposed changed use need not be specifically listed as a special use in the district in which it is sought. For the purpose of this paragraph, the standards in 5.1.B. Uses Not Specifically Listed, shall be considered in determining whether or not a use is less intense.</u>
<b><u>Land (No building)</u></b>	<u>The nonconforming use of land which is accessory to the nonconforming use of a building or structure may be continued for such time as the nonconforming use of the building or structure is permitted under the provisions of this Article.</u>	-	<u>No changes or structural alterations shall be permitted which would increase the bulk of a building or structure housing a nonconforming use, unless such changes conform to all the provisions of the zoning district in which such building is located.</u>	-
<b><u>Lot of Record</u></b>	<u>Structures and buildings on nonconforming lots in existence at the time this development code was adopted may be maintained as nonconforming uses subject to the general provisions of this Article.</u>	-	<u>A nonconforming use of land not involving a building or structure shall not be expanded or extended beyond the area it occupies at the time it became nonconforming</u>	-

<sup>1</sup>The requirements for nonconforming uses of nonconforming buildings, structures, or uses shall apply to all accessory buildings, structures, or buildings located on the same zoning lot.

<sup>2</sup>No accessory improvements which are 1) underground or substantially underground, 2) which have a current market value in excess of \$5,000.00, and 3) which comprise substantially all the improvements enjoyed in nonconforming use of land shall be deemed nonconforming structures and subject to the applicable provisions of this Article.

## 9.4 NONCONFORMING BUILDING, STRUCTURE, OR SITE ELEMENTS

Nonconforming buildings, structures, or site elements may be continued, subject to the provisions of this section.

NONCONFORMING:	CONTINUANCE	DISCONTINUANCE	EXPANSION	CHANGE
<p><u>Building or Structure</u></p>	<p>A nonconforming building or structure, except one identified by City Council action as being of historic significance, which is destroyed or damaged by fire or other casualty or act of God may be restored only if the cost of reconstruction to a condition in which it was prior to the casualty does not exceed 50% of the replacement cost of the entire building, and further providing no restoration or reconstruction shall be undertaken unless it is started within one year from the date of notice by the Zoning Administrator of this provision or the date of partial destruction whichever is later and completed within 24 months from the date of partial destruction.</p> <p>The time and cost limitations set forth herein shall not apply to any single-family dwelling located in a residential district, provided reconstruction of the dwelling begins within two years from the date of partial destruction and is thereafter diligently pursued. A nonconforming building, identified by City Council action as being of historic significance may be restored in conformance with these provisions without respect to cost or replacement cost.</p>			<p>Erection of new single-family dwellings in residential districts on nonconforming lots of record shall be permitted. The new single-family dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling such that the sum of the widths of the two side yards shall be not less than the minimum required, or the greater of the following: 20% of the width of the lot or three feet.</p> <p>The erection of new structures or buildings in nonresidential districts shall be permitted on nonconforming lots of record if such proposed structure meets all of the requirements of the district in which it is sought to be located except for lot area.</p>

<b>Site Elements</b>	<p><u>When a proposed or completed repair, change in use, expansion of use, or change in a building or structure already existing on the passage of this ordinance, occurs with or results in nonconforming elements of the site such as parking, yards or landscaping, on property that has an existing building or structure that will be retained as a part of the proposed or completed repair, change in use, expansion of use, or change in said building or structure, any person interested in the use or structure may petition for a waiver of any portion or all of the landscaping, yards or parking requirement resulting from such change or proposed change. Such waivers shall be granted by the Zoning Administrator or Site Plan Review Board only when they are in the interest of the City, or when conformance with the parking, yards and landscaping requirements poses some practical difficulty or particular hardship. In determining whether there is a practical difficulty or hardship, the decision maker shall make findings of practical difficulty or particular hardship based upon the standards for variations (see 2.6, Variations). Conditions or restrictions may be imposed by the decision maker at the time any waiver is granted.</u></p>			
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## **9.5 NONCONFORMING SIGNS**

Nonconforming signs may be continued, subject to the provisions of this section.

<b><u>NONCONFORMING:</u></b>	<b><u>CONTINUANCE</u></b>	<b><u>DISCONTINUANCE</u></b>	<b><u>EXPANSION</u></b>	<b><u>CHANGE</u></b>
<b><u>Signs</u></b>	-	-	-	-
<b><u>Off Premise</u></b>	<p><u>Other types of nonconforming off-premise signs may be continued until any of the following activities affect the subject sign, at which time the nonconforming sign must be removed or comply with the requirements of 8.3</u></p> <p><u>a. Replacement or repair of any portion of the sign in excess of 50 percent of the replacement value, the addition of multiple message technology not being considered replacement or repair; or</u></p>	<p><u>Nonconforming off-premise signs that are nonconforming due to being located in a residential zoning district; or wall or roof construction, shall be removed within seven years of official notification of a nonconforming status by the Zoning Administrator.</u></p>	-	-

	<p>b. <u>Removal or replacement of the entire sign structure, except that replacement of the nonconforming off-premise sign at the same location, of the same dimensions, with a design known as uni-pole construction will be permitted, as will be all work related to the addition of multiple message technology.</u></p>			
<p><b>All Other Signs</b></p>	<p><u>In addition to the above regulation for amortization of off-premise signs, other types of nonconforming signs may be continued until any of the following activities affect the subject sign or sign location, at which time the nonconforming sign must be removed or comply with the requirements of 8.3:</u></p> <p><u>1. As established in 2.16 Applicability Table;</u></p> <p><u>2. Replacement or repair of any portion of the sign in excess of 50% of the replacement value;</u></p> <p><u>3. Removal or replacement of the entire sign structure.</u></p>			

## **10.0 DEFINITIONS**

### **10.1. RULES OF CONSTRUCTION**

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

### **10.2 ABBREVIATIONS**

ANSI: American National Standards Institute, Inc. or its successor bodies.

ATM: Automatic Teller Machine; automatic financial transaction machine.

BES: Building Envelope Standard

EIFS: Exterior Insulation and Finish Systems

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

GLA: Gross leasable area, the amount of leasable square footage contained within a shopping center.

GFA: Gross Floor Area

RBL: Required Building Line

DRB: Development Review Board of the City of Peoria.

SWECS: Small Wind Energy Conversion Systems

ZBA: The Zoning Board of Appeals of Peoria.

### **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.

Appurtenances: Equipment (e.g., benches, signs, street lights, etc.) used for a specific purpose.

Assisted Living Facility: A special combination of housing, supportive services, personalized assistance, and/or health care designed to respond to the individual needs of those who need help with activities of daily living because of age or medical condition. This also includes independent living, elderly housing, nursing homes, and hospices.

Attic Story: Habitable space within the structure of a pitched roof and above the maximum/upper story of a building. Attic stories, where permitted, do not constitute an additional story so long as their sole façade fenestration is configured within dormer windows, as defined in this ordinance.

A-Weighted Sound Level: In decibels, a frequency-weighted sound pressure level, determined by the use of the metering characteristics and A-weighted network specified in ANSI S1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.

Awning: A structure made of cloth, metal, or other material, whether or not retractable, that projects from the wall of a building not supported by the ground. Also, roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Back-lit / Halo-lit Illumination: An illuminated reverse channel letter (open or translucent back) so light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter.

Balcony: An exterior platform attached to the building facade. Balconies must be enclosed by balustrades (railings). See also 6.6, Architectural Standards.

Base Flood Elevation: That elevation, expressed in feet above mean sea level, which is subject to a one percent probability or greater of flooding in any given year. The base flood is also known as the 100-year flood

Banner: A temporary sign, constructed of lightweight plastic, canvas, fabric, or other temporary material, with or without a structural frame, usually square or rectangular in shape, and intended for a limited period of display.

Basement: A story partly underground and having at least one-half of its height above the average level of the adjoining ground. Except in the Form Districts, a basement shall be counted as a story if subdivided and used for a dwelling or business.

Basement, English: A semi-underground story serving to raise the ground story finished floor elevation a minimum of three feet and a maximum of seven feet above the exterior sidewalk elevation at the required building line. A raised basement shall not count against the story height limitations. Also known as a Raised Basement.

Bay or Bay Window: Generally, a U-shaped enclosure extending the interior space of the building outward of the exterior building wall. Walls and windows shall be between 90 degrees (perpendicular) and zero degrees (parallel) relative to the primary wall from which they project. See also 6.6, Architectural Standards.

Bed and Breakfast Establishment: An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guestrooms for rent, in operation for more than ten (10) nights in a twelve-month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, rooming houses, or food service establishments.

Block: The distance as measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it. In the Form Districts, an increment of land comprised of lots, alleys, and tracts circumscribed and not traversed by streets (pedestrian pathways excepted). Blocks in the Form Districts shall be measured at the frontage lot lines (along the required building line).

Block Corner: The outside corner of a block at the intersection of any two streets. Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave), are not considered block corners for the purposes of the Form Districts.

Block Face: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Board: The Zoning Board of Appeals (ZBA) of Peoria.

Boarding House: A house at which persons are boarded, including provision of a bedroom and in some instances a meal or meals for a given fee.

Broadleaf Evergreen: Any plant with leaves similar in appearance to the leaves of deciduous plants but persist all year.

Buffer: For the purposes of Chapter 8, any existing vegetated area, including trees, shrubs and herbaceous vegetation, or is established to protect a stream system or lake. A buffer for a



stream system shall consist of a forested and/or vegetated strip of land extending along both sides of a stream, as of its location at the date of any land use change of abutting property subsequent to the date of this part, and its adjacent, floodway, and slopes.

Buffering Areas: Areas reserved for the purpose of creating open space at the perimeter of a parcel to be developed. In the reserved areas no improvements are permitted except for the purpose of direct vehicular access to the site and landscaping and/or screening. Vehicular access ways shall not be computed as part of the required buffering area.

Buildable Area: The total area of the parcel minus the area within the required perimeter yards. In the Form Districts, the area of the lot that buildings may occupy, as specified in the building envelope standards. The buildable area sets the limits of the building footprint now and in the future—additions to structures must be within the designated area.

Building: Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Some building envelope standards are specific to building corners. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees, are not considered building corners for the purposes of this development code. (See diagram at Block Corner, above.)

Building Envelope Standards. The part of the development code that establishes basic parameters regulating building form, including the envelope, placement (in three dimensions) and certain permitted or required building elements, such as storefronts, balconies, and street walls. The building envelope standards establish both the boundaries within which development may occur and specific standards that must be met. In the Form Districts, the applicable building envelope standards for a site are determined by its street frontage as shown on the regulating plan.

Building, Height Of: The vertical distance measured, in the case of flat roofs, from the curb level to the level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the curb level to the mean height level of the gable. Where no roof beams exist or where there are structures wholly or partly above the roof, the height shall be measured from the curb level to the level of the highest point of the building. For buildings set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building. In the CG, CN, B1, and Form Districts, building height is measured in terms of stories.

Building Official: Director of Inspection Services of the City of Peoria as appointed by the City Manager.

Building Orientation: The location of structures on a zoning lot in the plan view.

Building, Temporary: A building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

Bulk: The size and shape of a structure and the use contained within the structure and its relationship to other structures, to the lot area for a structure, and to open spaces and yards.

Cannabis Cultivation Center: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Canopy: A structure made of cloth, metal or other material which projects from the wall of a building and is supported above the ground by poles, posts, columns, beams, girders or other frame work attached to the ground.

Certificate of Appropriateness for Alteration: A certificate from the Development Review Board authorizing plans for construction, reconstruction, alteration, the moving, rehabilitation or demolition of a building or structure which is located within any Neighborhood Conservation District Overlay.

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 family dwelling unit, day care center, or family care facility pursuant to the Standards and Criteria for Certificates of Appropriateness.

Certificate of Occupancy (CO): Official certification from the Building Official that a premise conforms to provisions of the City codes, including the Unified Development Code and building code and may be used or occupied. Such a certificate is granted after new construction or alteration of premises is completed.

Chamfered: Angled to create a diagonal façade from two perpendicular facades.

Channel Letter: A fabricated dimensional letter.

Channel Letter, Reverse: A fabricated dimensional letter with opaque face and side walls.

Child Care Home: A child care home is a facility located in a single family residence which receives not more than eight children for fewer than 24 hours per day unattended by parent or legal guardian. The maximum of eight children includes the family's natural or adopted children under the age of 16 and those children who are in the home under full-time care. Activities may include educational training; however, non-family employees shall not be allowed.

City: The City of Peoria, Illinois.

Civic Buildings: In the Form Districts, those buildings that house civic uses located on the sites designated on the regulating plan. Publicly-owned civic buildings and publicly-owned public art are not subject to the building envelope standard prescriptions of this Code.

Civic Green or Square: Public spaces located within a Form District as designated on the regulating plan. The term square is generally used to describe spaces that have more paved surface area. The term civic green is generally used to describe a formally configured, small public lawn or park that is primarily unpaved. See the 6.8, Streetscape Standards, for the specific controls on squares and civic greens.

Collocation: The use of an existing tower or structure to support antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a collocation as long as the new tower is no taller than the old tower and that the old tower is removed within 30 days after the new tower is constructed.

Common Area: Those areas and facilities owned, designated, and intended for use by all of the residents and owners of the development.

Common Lot Lines: Lot lines shared by adjacent private lots.

Community Garden: A garden, managed by public or civic entities, for profit and nonprofit organizations, corporations and businesses, or other community based organizations or individuals, with the primary purpose to grow plants for beautification, education, recreation, donation, sale for profit, or use by those individuals cultivating the land and their households.

Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group or business and may or may not include common areas maintained and used by group members.

Compatible: The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass, bulk of structures, and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Composting: The natural degradation of organic material, such as yard and food waste, into soil.

Congregate Housing: Institutional housing consisting of apartments, rooms, medical service facilities, and dining services for residents who require such housing because of age or medical condition.

Consistent: A rigorous harmony with the established character of existing development and/or the strict adherence to development codes. Consistent requires development to exactly reproduce the character of existing development and/or be produced exactly as specified by code in terms of materials, design, height, mass, setback and other design requirements.

Construction: On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.

Construction Area: For the purposes of subdivision, that area on which curb, gutter, streets, and sidewalks are to be constructed.

"Convenience Cash" Business: includes title loan businesses and payday loan businesses as defined by this ordinance.

Convenience Store: A retail store that carries a limited selection of basic items, such as packaged foods and drugstore items, and is open long hours for the convenience of shoppers.

Coping: The top layer or course of a masonry wall usually slanted to shed water.

Cornice: An ornamental topping that crowns the structure it is on.

Council: The City Council of Peoria.

Courses: Continuous layers of building material, such as bricks in a wall or roof of a building. "Rowlock" and "soldier" are types of brick courses.

Courtyard: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.

Craft Distillery: A facility that produces less than 15,000 gallons of beverage grade alcohol per year and may include a tasting room.

Critical Traffic Management Area: Area identified by the Development Review Board and shown on the Official Zoning Map after approval by the City Council in the manner provided for amending this development code as set forth in Section 2.11, Amendments. In an area so designated, any allowable use or use authorized by the Zoning Administrator shall be required to submit a traffic impact analysis and may be required to pay for improvements in the area to alleviate the expected increase in traffic associated with the development.

Cul-de-sac – a dead end street providing special enlarged turning and maneuvering space for vehicular traffic

Curb Level: The street curb height at the midpoint of a lot line. Where no curb exists, the elevation of the crown of the street at the midpoint of the lot line shall be deemed to be the curb level.

Day Care Center: A child or adult group care facility receiving more than eight persons for fewer than 24 hours per day unattended by parent or legal guardian. A day care center shall constitute the primary use of a structure and may not be housed [as] an accessory structure. This use is considered a commercial operation in which non-family employees are allowed.

Daytime Hours: 7:00 a.m. to 7:00 p.m., local time.

dB(A): Sound level in decibels determined by the A-weighting of a sound level meter.

Decibel (dB): A unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this regulation, shall be 20 micronewtons per square meter ( $\mu\text{N}/\text{m}^2$ ).

Deciduous Shrub: A lower story plant that generally will not attain a mature height of more than 25 feet and usually has a dense branching pattern which is close to the ground level. Such plants shed their leaves and are dormant during winter. Any similar plant that will not attain a mature height of more than one foot will not be regarded as a shrub.

Demolition: Any act or process which destroys in part or in whole a structure.

Developer: Any individual, firm, association, syndicate, corporation, co-partnership, trust or any legal entity commencing proceedings under this development code or other ordinances to build dwelling units on a lot or lots.

Development Review Board: An administrative body reflecting representation from the departments of Planning, Zoning Administration, Public Works, Traffic Engineering, Police, Fire, and Inspections.

Director: The Director of the Community Development Department of the City of Peoria, or his/her designee.

District: Any specifically described area of the City as indicated by the Official Zoning Map of the City of Peoria to which these regulations apply and shown on an official map maintained by the Zoning Administrator.

Donor Plaque: a sign located on a scoreboard denoting the entity that provided the purchase funding for the scoreboard.

Dooryard: The area, within the streetspace, between the façade of the building (generally the required building line) and the property line (generally the public sidewalk). Stoops, balconies, and for appropriate commercial uses, temporary displays, café seating, and other encroachments as specified by the City may be placed within the dooryard area.

Dormers: Small, roofed ancillary structures with windows providing light and air to habitable space within the roof. See also 6.6, Architectural Standards.

Drainage Course: A water course or indenture for the drainage of surface waters.

Drive: Activity, associated with civic organizations, involving the collection of items or monetary donations.

Driveway: A hard surfaced pathway for motor vehicles from a street or alley to an area or a structure used for service purposes or access to the structure only.

Driveway Extension: A hard-surfaced pathway for motor vehicles which is contiguous to an approved driveway, is designed with the least amount of hard-surfaced material as determined by the Zoning Administrator, and is utilized to lead to a legal parking space(s).

Dwelling: A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings or multiple-family dwellings, but not including hotels or motels.

Dwelling, Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation.

Dwelling Unit: One or more rooms including a kitchen or kitchenette, located within a residence providing complete living facilities for one family or containing facilities and equipment for living, sleeping, cooking and eating.

Easement: A right or privilege held by the public, a corporation or person for the use of land for specified purposes.

Eave Height: Where used to limit building height, eave height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

Engineer: A person licensed in the State of Illinois to practice engineering.

Equipment Facility: Any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and other similar structures.

Erodible Soils: Those soils with an erosion K factor greater than 0.4, as listed in the current edition of "Soil Survey of Peoria County, Illinois," a publication of the United States Department of Agriculture, Soil Conservation Service.

Event: A planned activity or promotion of a civic or charitable nature.

Evergreen: Plants which continuously retain leaves or needles over the four seasons of the year.

Evergreen Shrub: A lower story plant that generally will not attain a mature height or more than twenty-five (25) feet and usually has a dense branching pattern which is close to the bound level. Such plants retain their foliage throughout the year. Any similar plant that will not attain a mature height of more than one (1) foot will not be regarded as a shrub.

Evergreen Tree: A tree that retains it's foliage throughout the year generally develops a pyramidal shape and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrubs such as upright Junipers and upright Arborvitae.

External Illumination: Illumination of a sign which is affected by a source of light which is not contained within the sign itself.

Facade: That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation where it faces a street. Building elevations facing interior courts, common lot lines, and alleys are not considered facades, except for signs.

Family: A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family so related includes any domestic servants and not more than one gratuitous guest residing with said family. A family may also be composed of not to exceed three persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family so constituted shall not be permitted to include a gratuitous guest; nor shall a relative by blood, marriage or adoption of any one of the three unrelated persons be permitted to reside as part of a family so constituted. The three unrelated persons may not include a domestic servant as an additional person.

Family Care Facility: A non-medical facility for the housing of no more than eight unrelated persons (inclusive of residential staff), who, due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require assistance and/or supervision, and who reside together in a family-type environment as a single housekeeping unit. Excluded from the definition of family care facilities are homes in which residents are criminal offenders or former criminal offenders. Excluded from this definition are persons whose disability arises from current use or addiction to a controlled substance as this term is used in the US Code and Illinois Statutes.

Fascia: A plain horizontal band along the roofline of a building.

Faster Meter Response: The dynamic characteristics specified as "FAST" in ANSI S1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.

Fence: A barrier attached to the ground consisting of vertical or horizontal supports and cross members which separate lot lines or yards.

Fenestration: Openings in the building wall, including windows and doors, allowing light and views between interior and exterior. Fenestration is measured as glass area (excluding muntins and similar window frame elements with a dimension greater than one inch) for conditioned space and as open area for parking structures or other un-conditioned, enclosed space.

Final Plat: The final map or drawing on which the subdivider's plan of subdivision is presented to the Planning Commission and City Council for approval, and which, if approved, will be submitted to the County Recorder for recording.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flag, Garrison: Any fabric, banner, or bunting measuring 20 feet by 38 feet or larger and containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Farm Stand (Seasonal): A temporary structure for the display and sale of food or ornamental crops grown on-site at a community garden. Area for display and sale is limited to 120 sq. ft.

Flood-Prone Areas: Areas susceptible to a base flood as delineated by the flood hazard boundary map.

Floor Area Ratio: Floor area ratio is the relationship between the amount of gross floor area to the total amount of land area on a parcel of land. For example, a floor area ratio of .33 means that for every three square feet of land one square foot of gross floor area will be permitted. Thus, a 30,000 square foot parcel would permit the development of 10,000 square feet of gross floor area.

Fraternity: A student organization formed chiefly for social purposes, having secret rites and a name consisting of Greek letters. The organization's headquarters may or may not include room and board facilities.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Frontage: All property on one side of a street or place between two intersecting streets or places which cross or terminate at the other end, measured along the line of the street; or, if the street or place has a dead end, then all of the property abutting on one side between an intersecting street and the dead end of the street or place.

Ganged: Grouped or placed together.

Garage Entry: In the Form Districts, an opening (with curb cut) in the building façade and/or street wall where vehicles may enter into the block interior for general parking and business servicing. Garage entries shall not exceed 16 feet clear height and 24 feet clear width and shall not be sited within 75 feet of the block corner or another garage entry on the same block. Garage entry portals may be set back up to 24 inches behind the surrounding façade.

Garage, Private: An accessory storage building or portion of the principal structure use only for the storage of motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. If the occupants of the lot have fewer vehicles than the storage spaces contained in said garage, the un-required spaces may be used by or rented to others. Not more than one (1) of the vehicles may be a commercial vehicles of not more than three-quarter (3/4) ton capacity.

Garage, Public: Any premises, except those described as a private or storage garage, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, Storage: Any premises, except those defined as a private or public garage, used exclusively for the storage of self-propelled vehicles.

Garden Wall: An opaque masonry wall defining a property line or delineating a private area.

Goods: All things that are movable at the time of identification to a contract for sale. The term includes future goods, specially manufactured goods, the unborn young of animals, and growing crops. The term does not include information, the money in which the price is to be paid, investment securities, the subject matter of foreign exchange transactions, or choses in action.

Grand Opening: An event or occasion marking the opening of a new business in a non-residential zoning district. A grand opening must occur at or near the beginning of an operation and can only occur once during the lifetime of the operation.

Granville: The City of Peoria's ornament lighting unit consisting of an aluminum tapered and fluted pole light fixture produced by Unique Solutions, Grandville Series, or approved equal, which in certain instances, the placement of the pole, height of the pole and/or brightness of the fixture may need to be adjusted to fit neighborhood conditions. For further information, including dimensions and model number, see Ornamental Lighting Unit standard drawing. (See Fig. 11.3. (1))

Green Infrastructure: The use of vegetation, soils, and natural processes to manage rainwater on-site.

Greenhouse: A building made of glass, plastic, or fiberglass in which plants are cultivated.

Gross Floor Area: The total square feet of a building under roof exclusive of the following:

- atriums,
- open wells, and
- basement storage space used in common.

Ground Story: The first level of a building at or above grade. The next story above the ground story is the second floor.

Groundcover: Any evergreen or broadleaf evergreen plant that does not attain a mature height of more than one foot. Such plants shall be characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seed shall also be considered as qualifying groundcover.

Group Care Facility: A residential facility which is the same as a Family Care Facility except that it may house nine to 15 persons.

Guest Room: A sleeping room intended to serve no more than two transient guests per night.

Habitable Elevation: The height of the highest space in any existing or future building which is designed for use as a residence or working area of persons.

Halfway House: A facility primarily designed for the residence of persons on parole or mandatory supervised release.

Handicap: Physical or mental impairment which limits one or more of a person's life activities; or a record of having such impairment; or being regarded as having such impairment. However, the definition of handicap does not include the current use of or addiction to a controlled substance.

Height: When referring to a tower or other structure, height is the distance measured from ground level to the highest point of the tower or other structure, excluding the antenna.

Home Office: For the purposes of the Form Districts, a home office shall be considered to be a home occupation. See 5.4.8.

Hoophouse: A structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape for the early cultivation of plants.

Hose bib: A faucet with a threaded outlet to which a hose can be connected.

Hotel: A building occupied as the more or less temporary abiding place of individuals, who are lodged with or without meals, and in which there are more than fifteen (15) sleeping rooms usually occupied separately.

Impact: An earth-borne vibration generally produced by two or more objects striking each other so as to cause separate and distinct pulses.

Impervious Cover: Any hard-surfaced, man-made area that does not readily absorb or retain water.

Impound Lots: A facility, which provides temporary outdoor storage for, class I vehicles which are to be claimed by the titleholders or their agent. No vehicle shall be stored at said facility for more than 45 days and must remain mechanically operable and licensed at all times.

Improvements: Any building, structure, parking facility, fence, gate, wall, work of art, underground utility service or other object constituting a physical betterment of real property, or any part of such betterment.

Impulsive Sound: Either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.

Ingress and Egress: The principal vehicular access into and out of the proposed development.

Intensity: The level of activity associated with an individual use or group of uses. Measure of intensity reflects the type of activity, the area required for the exercise of the activity, the traffic generation as indicated in the Institute of Traffic Engineering Handbook on Trip Generation and its updates, the number of patrons in a given time frame, the service requirements for logistical purposes and associated environmental impacts.

Interested Person: Any person who holds an interest in real estate which is the subject of a zoning decision, and anyone who owns property within 250 feet of such real estate. Service of notice to interested persons may be made by mail or personal service on the last assessee of record.

Intermediate Tree: A deciduous plant characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their



leaves and are dormant during winter. Intermediate trees may have either a single trunk or multiple trunks.

Internal Illumination: Illumination of a sign which is affected by a source of light which is contained within the sign itself. Any sign in which light becomes visible by shining through a translucent surface shall be considered a sign in which internal illumination is used.

Landscaped Area: An area where trees, shrubs, flowers, lawn or other plantings are provided.

Light Standard Sign: A temporary sign, constructed of lightweight plastic, canvas, fabric, or other temporary material, with rigid framework on a minimum of two (2) sides of the sign, usually square or rectangular in shape, mounted on a light standard with a minimum clearance of eight (8) feet above grade, and intended for a limited period of display.

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 Development 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.

Liner shops: Smaller shops surrounding a larger shop or store.

Lot: A single parcel of land which is legally described and recorded as such, or which is one or two (2) or more numbered lots or parts of such lots legally described and recorded as a part of a recorded subdivision plat. A lot is one or two or more contiguous lots or parts of lots of record comprising the tract of land which is designated by the owner at the time of application for a building or sign permit as the site to be used, developed or built upon as a unit. Therefore, a lot may or may not coincide with a single lot of record.

Lot Access: The vehicular access to a zoning lot. This access must have the same zoning designation as the use occupying the zoning lot.

Lot Area or Size: The total area included within the lot lines of a lot.

Lot Coverage: The ratio between the ground floor area of all buildings or structures on a lot and the total area of the lot.

Lot Frontage: The length of the front lot line of a lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the county recorder of deeds of Peoria County.

Lot Types: The terminology used in this ordinance with reference to lot types is as follows:

- Corner Lot -- A lot located at the intersection of two or more streets.
- Interior Lot -- A lot other than a corner lot with only one frontage on a street other than an alley.
- Through Lot -- A lot other than a corner lot with frontage on more than one street other than alley. Through lots with frontage on two streets require that front yards shall be provided on both streets, provided however, if the lot is comparatively level, the number of dwelling units that may be constructed facing either street shall be computed by using one-half of the total area of the lot; if the lot has a substantial change in elevation, the area of the level portion

shall determine how many dwelling units may be constructed fronting on the street adjoining the level portion of the lot.

- Zoning Lot -- A single unified tract of land located within a single block which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single or unified ownership or control. Such lot shall have frontage on a street; shall be of at least sufficient size to meet minimum zoning requirements for use, coverage and area; shall provide such yards and other open spaces as herein required; and may consist of: (1) A single lot of record;(2) A portion of a lot of record; (3) A combination of complete lots of record; (4) A parcel of land described by a metes and bounds description; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance. In the case of Institutional Districts, a zoning lot shall be construed to mean the entire contiguous parcel whether or not separated by streets, alleys, or other rights-of-way.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture.

Major Topographic Features: Any outstanding or unique topographic configuration located within the development.

Marquee: A structure made of cloth, metal or other material over the main entrance of the building only, other than a canopy or awning, which projects from the wall of a building and is either supported solely by the building to which it is attached, or which may or may not be supported by frame work supported by the ground.

Mechanical Equipment: Equipment that is typically associated with the normal operations of a building and that may generate noise, vibration, or other effects that may inhibit the enjoyable use of adjacent properties. Such equipment would include but not be limited to air conditioning units, heating units, refrigeration units, and ventilation fans.

Medical Cannabis Dispensary Organization: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

Medical Cannabis Use: The acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Center: An institution providing health service and medical or surgical care on an inpatient or outpatient basis to persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories or training facilities.

Mezzanine: An intermediate level between the ground floor and the second story. It may be in the form of a platform, podium, or wide balcony. Mezzanine uses are limited to a continuation of the ground floor activity.

Microbrewery: A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year and may include a tasting room.

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.

Mobile Home: A single family residential unit with all of the following characteristics: (a) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachments to

outside systems; (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like; (d) designed for removal to and installation or erection on other sites.

Mobile Home Park or Court: A parcel of land which has been approved for the placement of fifty (50) or more mobile homes. The term "mobile home park" shall not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of inspection and sale.

Modification or Modify: When referring to a wireless telecommunication facility, it is the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or changeout of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a collocation is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

Molding: A decorative wood or stone contour or band, used in exterior and interior architectural elements.

Motel: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.

Mural: Painting, or other art work applied to or made integral with a wall surface and does not contain a business name or logo.

Native Vegetation: Any plant material native to the State of Illinois.

Neon Tube Illumination: Illumination effected by a light source consisting of a neon tube which is bent to form letters, symbols, or other shapes.

Nighttime Hours: 7:00 p.m. to 7:00 a.m., local time.

Noise Pollution: A level of noise which subjects those in close proximity to such decibel levels that impair their health, general welfare and enjoyment of their property for its intended use.

Nonconforming building or structure: A building or structure which complied with the applicable laws when established, but does not conform to the provisions of this development code.

Nonconforming Use: See Use, Nonconforming.

Non-Point Source Pollution: Pollution which is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or groundwater seepage rather than direct discharge.

Obligations: Obligations means bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to finance a redevelopment project or a portion thereof, or to refund outstanding obligations.

Octave Band Sound Pressure Level: The sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is twenty (20) micronewtons per square meter.

Official Development Plan: A site plan and accompanying text which sets forth the approved development and uses, setback regulations, landscaping regulations, parking regulations, and signage requirements which apply within an institutional district, or a portion thereof.

Off-Premises Sign: a free-standing sign or billboard that advertises goods, products, services or facilities, or directs persons to a location different from where the sign is installed.

Off-Premise Sign Extensions: An embellishment added to an off-premise sign to enhance a specific advertising message. An extension may increase the area of a sign face by no more than 20%, may extend no more than five feet above the topmost edge of the sign face and three feet from any side, and shall remain installed only for the duration of the advertising message in question. Although extensions may incorporate lighting incidental to the advertising message, all lighting upon any sign face must still adhere to the total allowable illumination of 75 foot candles.

Off-Premises Sign, Multiple Message: An off-premises sign which displays a series of advertisements via copy change, regardless of technology used, within the area of one sign face.

Off-Street Loading and Unloading Space: An open hard-surface[d] area of land, other than a street, driveway, or public way, the principal use of which is for standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public use of streets and alleys.

On-Premises Sign: An on-premises sign is a sign located in nonresidential districts that identifies or advertises a business, person, activity, goods, product or service located in the zoning lot where the sign is installed and maintained.

One-Hundred-Year Floodplain: The area of land adjacent to a stream or body of water that is subject to inundation during or following a storm event that has a recurrence interval of 100 years as delineated by FEMA.

One-Hundred-Year Floodway: The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year flood as delineated by FEMA.

Opaque: Impenetrable to light.

Open Air Cafes: Any outdoor eating or drinking area directly adjacent to, subordinate in area, and accessory to the establishment it serves. The total square footage of the seating area must be included in the total parking calculations for the site. Any addition of an open air cafe to an existing establishment should be evaluated as an expansion of use and is subject to approval by the Development Review Board. Distribution of alcoholic beverages is subject to approval through the Liquor Commission.

Open Area: For the purposes of the Form Districts, the area within the buildable area and behind the parking setback line, accessible to all occupants of the particular building or site, and open to the sky. Open area shall not be built-upon, parked or driven upon (except for emergency access), except as otherwise specified in the building envelope standards.

Open Space: That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by

providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water bodies and those areas where landscaping and screening are required by this Code. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition.

Operable Windows: Windows capable of being opened and closed.

Orchard configuration: Trees planted in line with each other or in a row.

Outparcel: Individual retail or office sites on a shopping center site that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

Outpatient Treatment Facility: A licensed treatment facility for alcoholism and other drug dependency without a residential component.

Overlay District: An overlay district is a second set of regulations applied to any part or all of a zoning district (as defined for the term District) or any number of districts. The overlay district regulations may relax or further restrict the number or types of uses allowed as well as the way permitted activities operate within the overlay district boundaries. Such districts are mapped on the City's official Zoning Map..

Owner: Any agent, firm, corporation or person who, alone, jointly or severally with others, has a legal or equitable interest in the property.

Parapet Height: Where used to limit building height in this development code, parapet height shall be measured at the top of the parapet, including any coping. See also 6.6, Architectural Standards.

Parcel: A parcel is the assembly of property to form a contiguous land area for development under a unified plan.

Park – Active Recreation: An open space, which is owned either publicly or privately, with natural vegetation, and landscaping. Active recreation includes activities often requiring equipment and taking place at prescribed places, sites or fields and that have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Examples include, but are not limited to, swimming pools, playing fields, basketball courts, and playground equipment.

Park – Passive Recreation: An open space, which is owned either publicly or privately, with natural vegetation and landscaping. Passive recreation includes outdoor leisure activities that have a low potential for nuisance to adjacent property owners. Examples include, but are not limited to, bike/walk trails, gazebos, benches, and landscape features. Park shelters, and outdoor grilling may be included, subject to approval by the Zoning Administrator. Activities such as swimming pools, playing fields, basketball courts, and playground equipment, are prohibited.

Parking Area/Lot: An open, striped, hard-surfaced area of land, other than a street, driveway, or public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under two-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers. (See City Engineering Design Standards.)

Parking Area/Lot, Private: An open, striped, hard-surfaced area of land, other than a street, driveway, or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area/Lot, Public: An open, striped, hard-surfaced area of land, other than a street, driveway, or public way, intended to be used for the storage of passenger automobiles or commercial vehicles under two-ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking, Reserved: Reserved parking is not available to the public, but only to specifically identified users (either a single user per space or a set of users for a group of spaces), whether free or at a fee.

Parking, Shared. Shared parking is available to the public on an unreserved basis for free or at the same fee for all users. Time limits may be imposed to ensure turnover. Hours of public availability may also be restricted.

Parking Setback Line: A line/plane which extends vertically and generally parallel to the right-of-way, in front of which parking shall not be located unless otherwise specified on a regulating plan. The parking setback line shall not apply to on-street parking.

Parking Space/Lot: Striped, hard surfaced space within a parking area or a building of not less than one hundred fifty-seven and one-quarter (157.25) square feet (eight and one-half (8 1/2) feet by eighteen and one-half (18 1/2) feet, and a vertical clearance of at least seven (7) feet), exclusive of access drives, aisles, ramps, columns, or office and work area, for the storage of passenger automobiles or commercial vehicles under two-ton capacity.

Party Wall: A wall which is common to but divides contiguous buildings.

“Payday Loan”: any transaction conducted via any medium whatsoever, including but not limited to, paper, facsimile, internet, or telephone, in which:

- (1) A lender accepts one or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one or more checks dated subsequent to the date written and agrees to hold them for deposit; or
- (2) A lender accepts one or more authorizations to debit a consumer's bank account; or
- (3) A lender accepts an interest in a consumer's wages, including, but not limited to, a wage assignment.

Payday Loan Business(es): Any person or entity, including any affiliate or subsidiary of a lender or licensee, that offers or makes a Payday Loan, buys a whole or partial interest in a Payday Loan, arrange a Payday Loan for a third party, or acts as an agent for a third party in making a Payday Loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, and includes any other person or entity engaged in a transaction that is in substance a disguised Payday Loan. This definition includes, but is not limited to, all entities required to be licensed through the State of Illinois Payday Loan Act, 815 ILCS Section 122/3-3. This definition also specifically includes any person, firm, association, corporation or partnership engaged in making any installment loan(s), other than those which have substantially equal monthly payments of principal and interest, which are fully amortized and which do not contain balloon or interest-only payments. This definition does not include: State or National banks, Trust Companies, Savings & Loan Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, Credit Union, or any person, firm, association, corporation or partnership engaged in the business of selling tangible personal property at retail who, in the course of such business and only as an incident thereto, receives checks, drafts, money, or receives or issues a contractual agreement to receive money or evidence of money on an installment basis in exchange for tangible goods sold or rented on the premises, with or without using such tangible goods as collateral or as a possessible item upon default.

Pedestrian Pathway: Interconnecting paved ways that provide pedestrian and bicycle passage through blocks running from a street to another street, an alley or an interior block parking area. The area within a pedestrian pathway shall be a public access easement or public right-of-way. See also 6.8, Street and Streetscape Standards.

Pennant: Any geometric shaped cloth, fabric, or other lightweight material which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere, and intended for a limited period of display.

Performance Standard: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by, or inherent in uses of land or buildings.

Person: An individual, partnership, corporation, joint stock association, or joint venture, and includes any trustee, estate, receiver, assignee or personal representative.

Plaza: A public open space at ground level wholly or partly enclosed by a building or buildings. It is continuously accessible to the public and has openings to the sky.

Pollution: Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wild animals, or birds; fish, or other aquatic life.

Portable Storage Device: A reusable cargo container of a rigid construction and rectangular configuration; fitted with devices permitting its ready handling; so designed to be readily filled and emptied; intended to contain one (1) or more articles of cargo or commodities for transportation by one (1) or more transport modes. The term includes completely enclosed units, open top units, fractional height units and other variations fitting into the container system. This definition shall include but not be limited to the following: portable on demand storage units, intermodal storage containers.

Portable Storage Device Facility: An open air facility for the storage of portable storage devices.

Practitioner: A person licensed by the State of Illinois to practice medicine or other healing arts.

Preferred Frequencies: Those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this regulation, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

Preliminary Plat: The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration.

Premises: A distinct portion of real estate, land or lands with or without buildings or structures. It may or may not have the same meaning as "lot," "building" or "structure."

Principal Structure: A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the zoning lot on which such structure is located.

Principal Use: The main use of land or structures, as distinguished from a secondary accessory use.

Privacy Fence: An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along alleys and common lot lines. Privacy fences shall not enclose front yards.

Projecting Sign: A sign other than a wall sign which projects from and is supported by a wall of the building or structure.

Prominent Discrete Tone: Sound, having a one-third octave band sound pressure level which when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic

average of the sound pressure levels of the two adjacent one-third octave bands on either side of such one-third octave band by:

- 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band; or
- 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band; or
- 15 dB for such one-third octave band with a center frequency from 215 Hertz to 125 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

Proprietary Interest: Private ownership of a given plot of land.

Quasi-Public Uses: Land or building uses that combine a public and private function, such as museums and parks.

Public Property: Site or property owned or controlled by the City of Peoria, Peoria County, Peoria Park District, School District 150 and Greater Peoria Sanitary District.

Raceway: A conduit that houses electrical cables and/or transformers giving them support. This conduit may also serve as a mounting structure.

Recovery Home: Alcohol and drug free housing authorized by an intervention license issued by the Illinois Department of Human Services, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

Recreational Vehicle: Every vehicle designed for temporary living quarters, or recreation such as but not limited to, boats, campers, snowmobiles, jet skis, and motor homes.

Recycling Facility: A building used for the collection or processing of recyclable material. "Processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

Recycling Drop-Off Facility: The use of a building or land in which recyclable paper, plastic, glass, metal food/beverage containers and other household recyclable materials are collected without compensation to the individual providing the recyclable materials. Typically, a recycling drop-off facility is an unmanned bin or unit located within a parking lot of a commercial business.

Regulating Plan: The official map that designates the building envelope standard for each parcel or site within the Form Districts. The regulating plan also shows how each site relates to adjacent street-spaces, the overall Heart of Peoria, and the surrounding neighborhoods.

Rehab Facilities: A building or portion thereof where a group of persons are admitted for periods of more than one day for the primary purpose of taking a program of physical rehabilitation.

Replacement Cost: The cost to build a structure which has been destroyed or partially destroyed with a new structure which conforms to modern building standards and which is otherwise substantially similar to the structure which was destroyed or partially destroyed. Calculation of the replacement cost shall be based on the most current Building Valuation Data Report as published in the most current copy of BOCA--The Building Official and Code Administration Magazine.



Required Building Line (RBL): A line/plane indicated on the regulating plan, defining the street frontage which extends vertically and generally parallel to the street, at which the building façade shall be placed. The required building line for each site is shown on the Form District regulating plans.

Residential Treatment Facility: A licensed inpatient treatment facility for alcoholism and other drug dependency, sub-acute inpatient treatment, clinically managed or medically monitored detoxification, and residential extended care authorized by a license.

Retaining Wall: A wall designed to resist the lateral displacement of soil or other material. The wall top must follow an established grade and cannot protrude above the established grade.

Right-of-way: An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines.)

Roof Line: This shall mean either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Roof Sign: A sign erected or maintained in whole or in part upon, above, or over the roof line of a building.

Rooming House: Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a "rooming house."

Sanitary Sewer: A constructed conduit connected with the Greater Peoria Sanitary District Sewer System or with a treatment plant for the carrying of liquids and solids other than storm or ground waters.

Satellite Antenna, Private: Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit. This definition includes but is not limited to, satellite receivers, satellite dish antennas, direct broadcast systems (DBSs), and television reception only systems (TVROS).

Satellite Dish Antenna: A device or instrument, designed for television or other electronic communications signal broadcast or relayed from an earth satellite. It may be a solid, open mesh, or bar-configured structure, typically eight (8) to twelve (12) feet in diameter, in the shape of a shallow dish or parabola.

School for the Arts: An institution for the teaching of children or adults including dance, art, martial arts, music, photographic studio or classroom and other similar facilities.

Scoreboard: A sign accessory to an athletic playing field and/or its associated fences and walls, used to report scores to viewers of the events.

Setback: The minimum distance maintained between a street right-of-way or property line and the nearest supporting member of any structure on the lot.

Shade Tree: A deciduous plant which generally creates a tall and wide overhead canopy under natural growing conditions. Shade trees will usually have a single trunk. Such plants will shed their leaves and are dormant during winter.

Shopfront: Street-facing façade area of a commercial building, typically with large display windows, below the floor plane of the second floor.

Shopping Center: A unified group of commercial establishments sharing a common building or buildings, off-street plaza, site access, signage, and/or parking area to which such commercial establishments are oriented on a site.

Short Form Complaint: Standard form "ticket" citation or summons form adopted by the Zoning Administrator which conforms to the rules of the Illinois Supreme Court.

Shrub: Any plant species, evergreen or deciduous, with several low branching stems instead of a single trunk.

Sidewalk: A facility constructed for pedestrian circulation that closely parallels a public or private street.

Sidewing: The portion of a building extending along a side lot line toward the alley or rear of the lot.

Sight Triangle: The imaginary triangular area formed at a street corner by projecting the curb lines of the two intersecting streets to where the two projected lines would cross. From that intersecting point one measures 25 feet back along both curbs and then the two end points are then connected. Within this imaginary triangle, no visual obstructions taller than three feet are allowed.

Sign: Any device, display or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter depicted on the device, display or structures, to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes (but is not limited to) any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions, and patterns.

Sign Area: The area of sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. The sign area for V-type signs having an interior angle between faces of not more than forty-five (45) degrees shall be computed by the measurement of one (1) of the faces. The sign area for V-type signs having an interior angle between faces of more than forty-five (45) degrees shall be computed by the measurement of each of the faces totaled together.

Sign, Automatic Changing or Electronic Message Sign or Center: An electronically activated changeable sign whose variable message capability can be electronically programmed.

Sign, Blade: A small, pedestrian-oriented sign that projects perpendicularly from a structure or is hung beneath an awning/overhang.

Sign, Can/Cabinet: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Sign, Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

Sign Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

Sign, Historic: Any sign which is significant because it is part of a structure, or site which is important because of its historic significance, or which is itself significant because it is important, famous, or decisive in history.

Sign, Inflatable: Any sign inflated or supported by winds, air or pneumatic noncombustible pressure anchored to the ground on a temporary basis, used as a means of directing attention to a business for the purpose of a grand opening.

Sign, Monument: A freestanding sign where the base of the sign structure is affixed to the ground.

Sign, Open Channel Letter: A sign composed of channel letters that have no face and, if illuminated, with the light source visible.

Sign, Pole: A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure. See also: Freestanding Sign

Sign, Push-Through Letter: A sign composed of letters or logos cut out of a backing material that is as thick or thicker than the sign face material, and mounted on the inside of the sign face so that the backing material's thickness extends flush with or through and beyond the front plane of the sign face.

Sign, Raceway: A sign where channel letters are mounted to a raceway that contains the electrical components of the sign such as wires and transformers.

Single-Family Attached Structure: A group of two or more dwelling units attached by a wall, which is one or more stories in height, with each dwelling unit accessible by its own separate exterior entrance at grade level.

Single-Family Detached Structure: A freestanding single-family dwelling unit.

Single Family District Multiple Family Dwelling: A structure, located in a single family zoning district, which has the physical arrangement and continuous use of multiple dwelling units prior to January 1, 1963, subject to conditions that: 1) The number of units not increase from the number established prior to January 1, 1963; 2) The average size for dwelling units be 1,100 square feet and the minimum size of the structure be three thousand (3,000) square feet; 3) the provision of two (2) off street parking spaces per dwelling unit, 4) The structure maintains its original architectural character and is not enlarged; and 5) the property be located in the Local Historic District.

Single Room Occupancy: A residential property that includes multiple single room dwelling units. Each unit is for occupancy by primarily one individual but not more than two individuals. The unit need not, but may contain food preparation or sanitary facilities, or both. Units are not for lease by the general public but for certain qualified individuals. The property may or may not have on or off site supportive services as a condition of residency.

Small Wind Energy Conversion Systems (SWECS): An end-user wind energy conversion system consisting of a wind turbine, a tower, and associated controls or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

Sorority: A student organization formed chiefly for social purposes, having secret rites and a name consisting of Greek letters. The organization's headquarters may or may not include room and board facilities.

Sound: An oscillation in pressure in air.

Sound Pressure Level: In decibels, 20 times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 20 micronewtons per square meter.

Square: See "Civic Green" and 6.8 Streetscape Standards.

Standoff Stud: Sign hardware designed to position the sign away from the building façade to accommodate interior illumination.

Stealth or Stealth Design: To minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility.

Stoop: An entry platform on the street side of a building. Stoops may be roofed, but they shall not be enclosed.

Storefront: Street-facing façade area below the floor plane of the second floor.

Storm Sewer: A constructed conduit for carrying storm waters to a drainage course.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which at least two opposite exterior walls are not more than two feet above the floor of such story. See also "Attic Story."

Streams: Perennial or intermittent watercourses identified on the official Stream Buffer Ordinance Map as amended periodically by site inspection.

Streamer: A temporary sign, constructed of lightweight plastic, canvas, fabric, or other temporary material, designed to move in the wind, attached to a pole or standard or wall mounted, usually an elongated rectangle, and intended for a limited period of display.

Stream Channel: Part of a water course, as measured from top of stream bank to top of stream bank, either naturally or artificially created which contains an intermittent or perennial base flow of stormwater and/or groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

- Hydrophytic vegetation, hydric soil or other hydrologic indicators in the area(s) where groundwater enters the stream channel, in the vicinity of the stream headwaters, channel bed or channel banks;
- Flowing water not directly related to a specific storm event;
- Historical records of a local high groundwater table, such as well and stream gauge records.

Stream order: A classification system for streams based on stream hierarchy. The smaller the stream, the lower its numerical classification. For example, a first order stream does not have tributaries and normally originates from springs and/or seeps. At the confluence of two first order streams, a second order stream begins, and so on.

Stream System: A stream channel together with one or both of the following:

- One-hundred year floodplain and/or
- Hydrologically-related wetlands

Street: A thoroughfare which affords the principal means of access to abutting property.

Street Frontage: The lot line coincident with the required building line or that portion of the building that is coincident with the required building line as required by this development code.

Street Hardware: Objects other than buildings, structures, and plantings, located in streets and public ways and outside of buildings. Examples are lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

Street, public – a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, or however designated, dedicated for general public use and maintained by the City.

Street, private – A way for vehicular traffic providing access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, which is not maintained by the City.

Street Tree: Trees strategically planted—usually in tree lawns, parkway strips, medians, or along streets—to define the streetspace and to enhance the visual quality of a street. Street trees shall be of a proven hardy and drought tolerant species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded. See 6.8.3 Streetscape Standards and 6.8.5 Form District Tree List.

Street Tree Alignment Line: A line along which street trees are to be planted and street lights and other such infrastructure are to be placed. The street tree alignment line is parallel with the street or square right of way and, unless otherwise specified in the regulating plan, is three (3) feet behind the face of the curb. (Existing trees are not required to be relocated by this requirement.)

Streetscape: The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Streetspace: Streetspace includes all the space between fronting required building lines (streets, squares, pedestrian pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or alleys.

Street Wall: A masonry or masonry and metal wall set back not more than eight inches from the required building line or adjacent building façade and built to the height specified in the building envelope standards, which is used to define the streetspace. See 6.8.6.

String Pennant: A temporary sign, constructed of lightweight plastic, canvas, fabric, or other temporary material, suspended from a rope, wire, or string, in a series, designed to move in the wind, and intended for a limited period of display.

Stringcourse: A decorative horizontal band or molding set in the face of a building

Structural Alterations: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, swimming pools, and signs, but shall not include fences.

Subdivider: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or another.

Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that division of land which may be ordered or approved by a court or affected by testamentary or intestate provisions, or a division of land into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing the land subdivided. The term shall also to any development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, it being the intent of this ordinance to apply to all types of development, within the City of Peoria. Development of an existing parcel with one single-family unit or one duplex will not necessitate additional plan review.

Subdivision, Major – A division of land which is:

- In conformity with the Comprehensive Plan and Zoning Ordinance of the City or County of Peoria, whichever is applicable.
- The subdivision otherwise conforms to all other applicable regulations.
- There are no waivers of subdivision ordinance regulations.
- The character of design is compatible with adjacent development and community policies.
- The plat is in conformance with Chapter 3 of this Ordinance.

Subdivision, Minor – a division of land into five (5) or fewer lots:

- Which does not require, under these regulations, the design or construction of any public improvements, provided that if all required public improvements are in existence but do not meet current design standards, the city engineer may approve a waiver of the design standards;
- Which is in conformity with the comprehensive plan, subdivision ordinance and zoning ordinance of the city;
- Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction; and
- Which is located within the city or is otherwise under an annexation agreement which requires future annexation to the City of Peoria.

Subdivision, Standard – a division of land which is not a minor or major subdivision and may include waivers of the subdivision requirements.

Support Structure: A structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached WCF to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to support structures.

Telecommunication Service Provider: Every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides wireless communication service directly or indirectly.

Telecommunications: The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Structure: A structure used in the provision of services described in the definition of "Wireless Telecommunications Facilities".

Telephone and Internet Switching Equipment Shelter: Any structure used to contain equipment for Telephone/Internet Switching or any communication equipment linked by a network of cables including but not limited to fiber optic cables. Such structures may include cabinets, buildings, and other similar structures. Telephone and Internet Switching Equipment Shelters do not include wireless communications antennas and towers equipment shelters.

Temporary: When referring to a wireless telecommunication facility, temporary in relation to all aspects and components of Section 3.3 Wireless Telecommunications Facilities, something intended to, or that does not exist for more than ninety (90) days.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and does not involve the construction or alteration of any permanent structure.

Terrace: A raised level space or platform of earth, supported on one or more sides by a wall or bank of vegetative ground cover, and used either for cultivation or for a promenade. Terracing is used in a stair-step fashion on steep slopes to prevent erosion and provide additional space for plantings or outdoor activity areas. A terrace wall may not exceed three feet in height measured from the base of the wall to the top of the wall. The wall top must follow an established grade and cannot protrude above the established grade.

Thoroughfare: A major street passing through a busy business and/or commercial area and identified as a thoroughfare on the Official Thoroughfare Plan of the City of Peoria. A thoroughfare is characterized by lots whose rear yards abut a residential district.

Thoroughfare Plan: The official thoroughfare plan of the City of Peoria and is on file in the Planning and Growth Management and the City Clerk's office.

"Title loan": A loan wherein, at commencement, a borrower provides to the lender, as security for the loan, physical possession of the obligor's title to a motor vehicle, a boat, or any other personal property but does not create a purchase money security interest pursuant to 815 ILCS Section 5/9-103.

Title Loan Business(es): Any person or entity, including any affiliate or subsidiary of a lender or licensee, that as its primary business offers or makes a Title Loan, buys a whole or partial interest in a Title Loan, arrange a Title Loan for a third party, or acts as an agent for a third party in making a Title Loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party and/or who holds itself out to the public as a title loan establishment. This definition does not include: State or National banks, Trust Companies, Savings & Loan Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, or Credit Unions

Tower: Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Townhouse: A group or row of three or more, but not more than six attached single-family dwelling units extending from the basement to the roof and facing upon a street or place as herein defined.

Traffic Impact Analysis: A study and analysis of how a given use, plan or development, will affect traffic flows (vehicular and pedestrian) in the surrounding area. Analysis shall include, but not be limited to, the amount of vehicles generated to and from the site, additional traffic volumes on surrounding roadway network, traffic capacity calculations, pedestrian safety, pedestrian mobility, and truck delivery/maneuvering areas. Analysis is to be made generally for the P.M. peak hour unless otherwise designated by the City Traffic Engineer. The end product of

analysis will be to specify which, if any, roadway improvements and/or traffic control improvements are required.

Trailer: Every vehicle without motive power in operation designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Transparent: Having the property of transmitting light so that bodies situated beyond or behind can be distinctly seen.

Transitional Buffer Yard: A landscaped yard which provides increased compatibility between incompatible land uses. See Section 8.2.9.

Translucent: Transmitting light but causing sufficient diffusion to prevent perception of distinct images (e.g., glass block and frosted glass.)

Tree: A woody perennial plant typically attaining an overall height of 15 feet or more, usually with a main stem or trunk (or multi-stem clump) which develops many branches, usually at some height above the ground.

Tree, Intermediate: A tree with an unmaintained average mature height of less than 30 feet.

Tree Lawn: That section of the public right-of-way located between the street curb and the public sidewalk.

Trellise: A frame of latticework used as a screen or as a support for climbing plants

Under Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, or marquee. The lower edge of the under canopy sign shall be a minimum of nine (9) feet above the surface of the ground.

Upper Façade: Above the storefront. Displays the structure's essential architectural style.

Use, Change of: The replacement of an existing use on any portion of a parcel, by a new use, or a change in the nature of an existing use, but does not include a change of ownership, tenancy, or management associated with a use in which the previous nature of the use remains substantially unchanged. A change in use from a vacant structure to an occupied structure shall be considered a Change of Use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last legally established use of the vacant structure provided that the vacancy has not occurred for a period of more than 12 consecutive months.

Use, Expansion of: An increase in the gross floor area or parking area/lot of an existing use or the addition of an accessory or temporary use to an existing use.

Use, Illegal: Any use of land, building, or structure which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.

Use, Nonconforming: Any use of land, building, or structures which complied with applicable laws when established but does not conform to the provisions of this Ordinance.

Use, Permitted: Any building, structure, or use which complies with the applicable regulation of the ordinance governing permitted uses in the zoning districts in which such building, structure or use is located.

Use, Primary: The main use of the land, building or structure as distinguished from a subordinate or accessory use.

Use, Special: Any building, structure or use which on or after the effective date of this ordinance complies with the applicable regulations governing special uses in the zoning districts in which such building, structure, or use is located.



Utilities: All storm sewers, sanitary sewers, gas mains, water lines, electrical lines, telephone lines, cable television lines, and similar facilities.

Utility Structures: Any above-ground structure that has as its primary function to assist as a support device or to directly receive or transmit materials, signals, currents, or information to or from a utility that provides an essential public service such as but not limited to electric, gas telephone, or cable television.

Variation: A relaxation of the terms of the ordinance with respect to a specific zoning lot or group of lots where such variation is consistent with the standards set forth in Chapter 2.

Variation, Major: All variations authorized by this ordinance which are not minor variations shall be considered major variations. Any variation request of transitional buffer yard requirements shall be considered a major variation.

Variation, Minor: Minor variations are variations from height, yard (with the exception of transitional buffer yard requirements), bulk, lot area, and fence height provisions of this ordinance that are less than twenty percent (20%) of the required standard. (For example, a variation from a required 20 foot yard setback in an amount of less than 4 feet is a minor variation, while a variation from a required 20 foot setback in an amount of 4 feet or more is not a minor variation.) No minor variations shall be allowed in the Form Districts.

Vehicle: Every device, in, upon or by which any person or property is or may be transported or drawn upon, except devices moved by human power.

Visitor: Any individual present at the site of the home occupation or commercial reasons related to the home occupation other than actual residents of the dwelling unit, governmental officials and employees. The term shall include clients, patrons, pupils, suppliers, sales persons, delivery persons, etc.

Voluntary Abandonment of Nonconforming Use: Any cessation or interruption of a legal nonconforming use which is not necessitated by litigation, or a dispute over the right to possession of property. Any such interruption shall be considered voluntary unless the parties make a good faith effort to promptly resolve the dispute or terminate the litigation. However, any structure originally designed and intended for multiple dwelling units may have its use continued provided the original structure has not been altered to diminish the original number of dwelling units and the owner can show evidence of continuous use. Additional units cannot be added to the original design.

Walkway: A facility designed for intradevelopment or interdevelopment pedestrian circulation that may or may not be of a hard surface material.

Wall Sign: A sign affixed directly to or painted on an exterior wall and confined within the limits of any building and which projects from the surface it is affixed to not more than fifteen (15) inches. Wall signs include, but are not limited to, paintings or other art work applied to or made integral with an exterior wall surface and contains name or logo.

Watershed: The specific land area that drains water into a stream, river system, or other body of water.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Where Clearly Visible from the Street-Space: Many requirements of the Form Districts apply only where the subject is "clearly visible from the street-space." Note that the definition of street-space includes squares, civic greens, parks, and all public space except alleys. A building element more than 30 feet from the street-space (such as elements facing a common lot line

more than 30 feet away from a street) is by definition not clearly visible from the street-space. Also common and/or party walls are by definition not clearly visible from the street-space.

Window: An opening in the wall of a building that is made of transparent material.

Window, Clerestory / Transom: Windows located above display windows.

Window, Display: A window of a storefront; used to display merchandise for sale.

Window Sign: A sign which is affixed to, or in contact with the glass surface of a window or the glass surface of a door, and is visible from the public street.

Wireless Communications: Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, Personal Communication Services (PCS), specialized mobile radio (SNM), enhanced specialized mobile radio (ESMR), paging, wireless data service and similar services that currently exist.

Wireless Telecommunications Facilities, Telecommunications Site, and Personal Wireless Facility: A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

Yard: An existing or required open space on the same lot with a principal building, and lying along the adjoining lot lines, open, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of the front yard or the depth of the rear yard, the mean horizontal distance between the lot line and the principal building shall be used.

Yard, Front: The minimum horizontal distance between the property line and any buildings, or any projection thereof, other than the projection of the usual steps, front porch, stoop or entrance way and extending for the full width of the lot.

Yard, Corner Side: The minimum yard required on corner lots between any building and the property line adjacent to the street upon which the principal building does not front. This yard may be observed only when other lots with frontage on this side of the street in the same block do not have, nor have the ability to have, a principal building fronting this street.

Yard, Rear: A space, unoccupied, except by a building of [or] accessory use as herein provided extending for the full width of the lot between the area lot line and the extreme rear line of the principal building. On corner lots, the rear yards shall be considered as parallel to the street upon which the principal structure faces. On interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side: A yard between any building and the side line of the lot and extending from the front lot line to the rear lot line.

Zoning Administrator: The Director of Community Development for the City of Peoria or his/her designee(s); he/she shall exercise the authority and perform the duties of Zoning Administrator as defined in Section 2.1.2 of this ordinance.

Zoning Map: A delineation of the boundaries of areas or divisions of the city for the purpose of regulating, limiting and determining the height and bulk of buildings, the intensity of the use of

lot area, the areas of open spaces about the surrounding buildings for the purpose of classifying, regulating and restricting the location of trades and industries, and buildings designed for specified industrial, business and residential uses, and which map is attested to and is on file in the office of the city clerk.