

**ORDINANCE AMENDING APPENDIX C OF THE CODE OF THE CITY OF PEORIA
RELATING TO VARIATIONS**

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

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

2.0 Administration

2.6 VARIATIONS

2.6.4 Procedure

F. Standards for Variations

No variations from this development code shall be granted unless the entity or person granting such variation shall make findings of ~~practical difficulties or particular hardship~~ based upon the evidence presented to them in each specific case that with respect to one or more of the following three criteria have been met:

- ~~1. Because of 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;~~
1. The property in question cannot yield a reasonable economic return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located in that zoning district; and
- ~~2. 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~~ plight of the owner is due to unique circumstances; and
- ~~4. The purpose of the variation is not based primarily upon a desire to increase financial gain;~~
- ~~5. The practical difficulty or hardship is caused by this development code and has not been created by any persons presently having an interest in the property;~~
- ~~6. 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;~~
- ~~7. The granting of the variation, if granted, will not alter the essential character of the neighborhood or locality~~ or be injurious to the public or other property or properties;
- ~~8. 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;~~
- ~~9. The proposed variation is the minimum variation necessary to provide relief from the practical difficulty or particular hardship; and~~
- ~~10. The proposed variation is consistent with the adopted plans (see 1.6) and other codes and regulations of the City.~~

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.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
_____ DAY OF _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel