



Legislation Details (With Text)

File #: 20-054 **Version:** 1 **Name:** TFare Setback
Type: Ordinance **Status:** Adopted
File created: 2/12/2020 **In control:** City Council
On agenda: 3/10/2020 **Final action:** 3/10/2020
Title: Communication from the City Manager and Director of Community Development and the Planning and Zoning Commission and Staff with a Request to ADOPT an ORDINANCE Amending Appendix A, the Unified Development Code, Relating to SETBACKS ALONG THOROUGHFARES. (All Council Districts)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD NO 17,758 Setbacks Along Thoroughfares, 2. Ordinance for PZ-20B, 3. Agenda Packet for PZ-20B, 4. Meeting Mins for PZ-20B

Date	Ver.	Action By	Action	Result
3/10/2020	1	City Council	adopted	Pass
2/25/2020	1	City Council	received and filed	Pass

ACTION REQUESTED:

Communication from the City Manager and Director of Community Development and the Planning and Zoning Commission and Staff with a Request to ADOPT an ORDINANCE Amending Appendix A, the Unified Development Code, Relating to SETBACKS ALONG THOROUGHFARES. (All Council Districts)

BACKGROUND:

As the City looks to implement its Complete Streets Policy and with the recently-approved Thoroughfare Plan, the Community Development Department continues to review the Unified Development Code to best align local regulations with local policy.

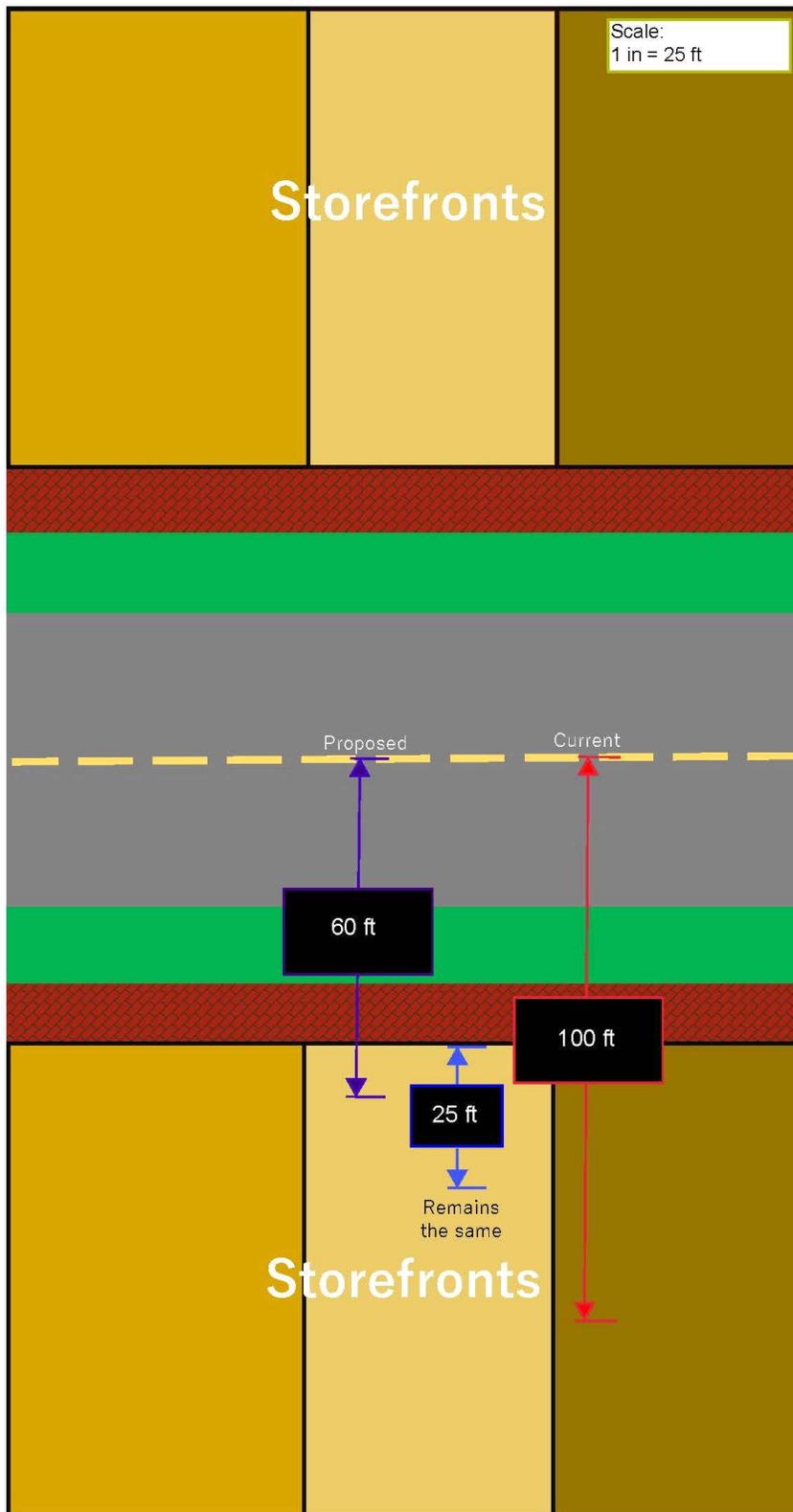
The City currently requires a setback encroachment agreement to be signed for all construction that falls within one hundred (100) feet of the centerline or twenty-five (25) feet from the right-of-way, whichever is greater, of State or County-designated highway or primary thoroughfares. The agreement states that the property owner agrees to remove the relevant construction at her cost, should the City need to implement road improvements. An applicant may seek recourse from City Council, should she want to waive the setback encroachment agreement requirement. The agreement requirement is often activated for proposed freestanding signage along thoroughfares, such as University Street or Knoxville Avenue, as well as for proposed detached garages in the Heart of Peoria, which fall within 100 feet of the thoroughfare’s centerline.

Through this amendment, the City moves to reduce the setback encroachment zone to sixty (60) feet from the centerline or twenty-five (25) feet from the right-of-way, whichever is greater, of State or County-designated highway or thoroughfares. These setback encroachment zones were established in conversation with engineering staff from the City’s Public Works Department.

In addition to reducing the setback encroachment zone, the proposed text amendment moves to make the encroachment agreement relief process administrative rather than legislative. This means that a petitioner would submit an application demonstrating hardship to the Development Review Board, which would assess and issue a decision. As Public Works and Planning & Zoning staff are members of the Development Review Board, relevant

parties would be involved in the decision-making process. Should the petitioner have their request denied, she could seek recourse from the Zoning Board of Appeals.

See graphic below for representation of the proposed ordinance change.



FINANCIAL IMPACT: N/A

NEIGHBORHOOD CONCERNS: N/A

IMPACT IF APPROVED: The setback encroachment zone along thoroughfares will be reduced from 100 feet to 60 feet of the centerline of the thoroughfare. The 25-foot zone from the edge of the property line back will remain in place. Applicants will now seek relief from the setback encroachment agreement process administratively, through the Development Review Board, rather than legislatively.

IMPACT IF DENIED: The required setback along thoroughfares will remain the same (100 feet from the centerline of a thoroughfare, 25 feet from the property line), and the relief process will remain legislative.

ALTERNATIVES: N/A

EEO CERTIFICATION NUMBER: N/A

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2014 - 2029 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?

1. Financially Sound City Government, Effective City Organization
2. Grow Peoria: Businesses, Jobs, and Population

WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?

1. Support sustainability.
2. Have an efficient government.
3. Invest in our infrastructure and transportation.

DEPARTMENT: Community Development