



Legislation Details (With Text)

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Type: Ordinance **Status:** Adopted

File created: 1/9/2020 **In control:** City Council

On agenda: 2/25/2020 **Final action:** 2/25/2020

Title: Communication from the City Manager and Director of Community Development with a Request to Concur with the Recommendation from the Planning and Zoning Commission and Staff to ADOPT ORDINANCE A, or to ADOPT ORDINANCE B, or to ADOPT ORDINANCE C, all Amending Appendix A, the Unified Development Code Relating to TRUCK PARKING.

Sponsors:

Indexes: Goal 2 - Safe Peoria, Goal 4 - Grow Peoria, Grow employers and jobs.

Code sections:

Attachments: 1. ORD NO 17,757 Parking of Class II Vehicles, 2. PZ 19-N - PACKET - truck parking text amendment.pdf, 3. PZC mins - Jan 2020.pdf, 4. PZ 19-N - ORDINANCE A.pdf, 5. PZ 19-N - ORDINANCE B.pdf, 6. PZ 19-N - ORDINANCE C.pdf

Date	Ver.	Action By	Action	Result
2/25/2020	1	City Council	adopted	Pass
2/11/2020	1	City Council	deferred	Pass
1/28/2020	1	City Council	placed on the consent agenda	Pass

ACTION REQUESTED:

Communication from the City Manager and Director of Community Development with a Request to Concur with the Recommendation from the Planning and Zoning Commission and Staff to ADOPT ORDINANCE A, or to ADOPT ORDINANCE B, or to ADOPT ORDINANCE C, all Amending Appendix A, the Unified Development Code Relating to TRUCK PARKING.

BACKGROUND:

On January 6, 2020, at a Special Meeting, the Planning and Zoning Commission held a public hearing on a proposed text amendment related to parking of Class II vehicles; and found that the request met the Findings of Fact and voted to 6 - 0 to APPROVE.

On January 31, 2020, the City Council reviewed a First Reading of the draft amendment (Ordinance A) related to parking of Class II vehicles; and gave feedback to Staff. In response, Staff amended the Ordinance proposal (Ordinance A), and drafted second, alternative amendment (Ordinance B).

On February 11, 2020, the City Council reviewed the Second Reading of the draft amendments and requested a third option (Ordinance C).

Currently such parking is not permitted at all with the City limits. Both amendment options would allow greater flexibility for commercial drivers. The following table indicates the difference between the three options now before the Council.

	Ordinance A	Ordinance B	Ordinance C
Definition	Creates a definition of Class II vehicles.	Same as Ordinance A	Same as Ordinance A and B

Applicability	Intended for parking of Class II vehicles that are not associated with a use on a property.	Same as Ordinance A	Same as Ordinances A and B
Zoning Districts	Allows Class II parking as a permitted use in the following districts if the performance standards are met: C2 (Large Scale Commercial); and I-1, I-2 and I-3 (Industrial) zoning districts.	Same as Ordinance A	Allows Class II parking as a <u>permitted use</u> in the following districts if the performance standards are met: I-1, I-2 and I-3 (Industrial) zoning districts. *** Requires a <u>Special Use</u> for Class II parking in the following district: C2 (Large Scale Commercial).
Performance standards	Requires specific performance standards, including: site plan review, delineated parking area, directional signs, limit of 5 Class II vehicles, and storage of vehicles limited to 72 hours.	Same as Ordinance A	Same as Ordinance A and B.
Review process if standards are met	If the performance standards are met, the application is reviewed by the Development Review Board.	Same as Ordinance A	If performance standards are met in the <u>I-1, I-2 and I-3 (Industrial) zoning districts</u> , then the application is reviewed by the Development Review Board; Applications in the <u>C2 (Large Scale Commercial)</u> require a Special Use.
Review process if standards are <u>not</u> met	If the performance standards are <u>not</u> met, a <u>Special Use</u> is required for approval.	If the performance standards are <u>not</u> met, the application will be <u>denied</u> .	If the performance standards are <u>not</u> met in the <u>I-1, I-2 and I-3 (Industrial) zoning districts</u> , the application will be denied; and If the performance standards are not met in the <u>C2 (Large Scale Commercial)</u> , waiver(s) will need to be requested along with the Special Use.

In addition to the third option requested, the City Council also requested references to other sections of the Peoria City Code that may relate to performance standards for truck parking. Related sections are listed below:

Sec. 13-36. - Declared nuisance. All litter which has been stored, dumped or accumulated in any structure or on any public place or upon any real property improved or vacant, and any motor vehicle parts, or similar parts, stored or allowed to exist in the open on any property, unless necessary for the operation of a business enterprise lawfully conducted thereon, is hereby declared to constitute a nuisance.

Sec. 13-37.(a)...No person shall store or permit the accumulation of any litter in any structure, upon any improved or vacant property, or any public place or public way in the city, unless necessary for the operation of a business enterprise lawfully conducted thereon... (e) All property owners are responsible for litter and debris on all right-of-way adjacent to their property. This includes public sidewalks, curbs, curb lines, alleys and streets. ... Failure to keep property free of litter is punishable by a fine of \$100.00 for the first offense. Second and subsequent offenses are defined in [section 13-10 <https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH13GALIVEINMOVE_ARTIINGE_S13-10PESEOP>](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH13GALIVEINMOVE_ARTIINGE_S13-10PESEOP) of this Code.

Sec. 13-41.(a) ... No person shall throw, deposit or dump litter or hire or cause another to throw, deposit or dump litter on any property except in a public landfill or when authorized by the owner or persons in control of such property. (b) The owner of any litter shall be responsible for its placement on the property of others until it is delivered to a public landfill...punishable by a fine of not less than \$200.00 and not more than \$5,000.00. One hundred dollars or ten percent, whichever is greater, of such fine may be paid to any individual providing information leading to the charging and conviction of the offender and upon collection of the fine.

Sec. 13-45 ... No person shall sweep or deposit any litter in any public place or public way except in public containers. Persons owning or occupying property shall keep the sidewalk and any right-of-way bordering their property free of litter. Any person convicted of this section shall be punished by a fine not less than \$125.00 for the first offense and not less than \$150.00 for the second offense and not less than \$175.00 for the third or subsequent offense occurring within one year of the first offense...

Sec. 13-46. ... No person shall throw or deposit any litter from a vehicle upon any public place or public place except in public containers...fine not less than \$125.00 for the first offense and not less than \$150.00 for the second offense and not less than \$175.00 for the third or subsequent offense occurring within one year of the first offense...

Sec. 13-47. ... No person shall drive or move any vehicle unless such vehicle is so constructed or loaded to prevent any litter or material from being blown or deposited upon any public way or public place. Nor shall any person drive or move any vehicle whose wheels or tires deposit dirt, mud, sticky substances or similar matter on a public way or public place.

Sec. 13-101. - Declared nuisance. The parking or storing of any damaged or inoperable motor vehicle or any motor vehicle body in the open on any property, unless necessary for the operation of a business enterprise lawfully conducted thereon, is hereby declared to be a public nuisance...

Sec. 13-102.(a) - Damaged or inoperable motor vehicle prohibited...

Sec. 15-62.(a) - Radios, phonographs, etc. (a) No person shall allow or cause to be used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, compact disc player, DVD player or other machines or devices for the producing or reproducing of sound in such a manner as to unreasonably disturb or to substantially interfere with the peace, quiet, comfort and repose of persons of ordinary sensibilities occupying, owning or controlling nearby properties or persons making use of public properties for their intended purposes, particularly between the hours of 11:00 p.m. and 7:00 a.m. in the Central Business District (B1) or Large Scale Commercial District (C2); however, in C2 Districts musical events will be allowed until 11:00 p.m. on Friday and Saturday nights during daylight savings time hours only, and all music sources must be no closer than 150 feet to any residential structure or as defined in the applicable special use ordinance as defined in Appendix A (Unified Development Code) of the Code of the City of Peoria and between 10:00 p.m. and 7:00 a.m. in the rest of the city. (b) The minimum fine for a violation of this section, which violation occurs, outside the Central Business District (B1) or Large Scale Commercial District (C2), between the hours of 11:00 p.m. and 7:00 a.m., shall be \$500.00.

Sec. 15-66. - ... No person shall allow or cause to be blown any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; the use of any such signaling device when traffic is for any reason held up.

Sec. 15-67. - Engine exhausts. No person shall allow or cause the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Sec. 15-69. - Blowers, power fans, electric motors, or internal combustion engines. No person shall allow or cause the operation of any noise creating blower, power fan, electric motor, or internal combustion engine in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such blower, power fan, electric motor, or internal combustion engine between the hours of 10:00 p.m. and 6:00 a.m. in such a

manner as to be plainly audible at a distance of 50 feet or more from such blower, power fan, electric motor, or internal combustion engine shall be prima facie evidence of a violation of this section. ... however, ...sweeping and snow removal or parking lots in the central business district, commercial districts, office districts, and industrial districts, as defined by the City of Peoria Zoning Ordinance, shall be permitted at all hours.

Sec. 15-71. - ... No person shall create or cause to be created any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

Sec. 15-72. - ... No person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session or in any building owned, occupied or otherwise used by a school, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.

Sec. 15-76. - Noise. The minimum fine for a violation of Article III of this chapter, sections [15-61](#) [15-61](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIINO_S15-61MUJNGE) [15-61MUJNGE](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIINO_S15-61MUJNGE)-15-75, shall be set forth in [section 1-5](#) [1-5](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH1GEPR_S1-5GEPE) [1-5](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH1GEPR_S1-5GEPE) of this Code for each offense.

Sec. 15-77.(a) - Vehicle seizure and impoundment. A motor vehicle, operated ... in violation of [section 15-75](#) [15-75](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIINO_S15-75RAPHETPUWA) [15-75RAPHETPUWA](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIINO_S15-75RAPHETPUWA) of this code shall be subject to seizure and impoundment under this section. A motor vehicle used in violation of [section 15-75](#) [15-75](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIINO_S15-75RAPHETPUWA) [15-75RAPHETPUWA](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIINO_S15-75RAPHETPUWA) of this Code shall be declared a public nuisance. The owner of record of such vehicle shall be liable for the towing and storage of the vehicle

Sec. 15-96. - Public nuisance defined....(1) Any thing, act, condition or use of property which interferes or disturbs the peace, comfort or quiet of any person. (2) Any thing, act, condition, or use of property which is made, permitted, used, kept, maintained or operated in a manner that is offensive, nauseous, dangerous or detrimental to the health, life, safety or property of any person. (3) Anything enumerated in [section 15-103](#) [15-103](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIVNU_S15-103ENPANUENNOEX) [103ENPANUENNOEX](https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=CO_CH15HESA_ARTIVNU_S15-103ENPANUENNOEX). (4) Anything which is injurious to health, including but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, street or highway.

Sec. 15-97. - Public nuisances prohibited...

Sec. 28-143. - Horns and warning signals. ...other signaling devices shall be sounded when necessary to give timely warning of the approach of a vehicle, but such horn or other signaling device shall not be sounded at any time when such vehicle is not in motion, or for any purpose other than as a warning of impending danger to persons driving other vehicles or to persons upon the street.

Sec. 28-144. - ... It shall be unlawful to operate a vehicle which makes an unusually loud or unnecessary noise.

Sec. 28-145.(a) - ...No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicle's tires due to rapid acceleration or excessive speed around corners or other such reason. (b) This section shall not apply to the following conditions: (1) An authorized emergency vehicle... nor (2) The emergency operation of a motor vehicle when avoiding imminent danger; ...

Sec. 28-148. - Starting a parked vehicle. No operator shall start a vehicle which is stopped, standing or parked, unless and until such movement can be made with reasonable safety.

Sec. 28-151. - ... The driver of a vehicle emerging from an alley, building, private road or driveway within an urban area shall stop such vehicle immediately prior to driving into the sidewalk area extending across such alley, building entrance, road or driveway, or if there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision; and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

Sec. 28-156. - Limitations on backing. (a) The driver of a vehicle shall not back the same, unless such movement can be made with safety and without interfering with other traffic...

Appendix A, Section 4.5.7.C Industrial Districts 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....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 [see table in Code]... 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... 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...

FINANCIAL IMPACT: N/A

NEIGHBORHOOD CONCERNS: N/A

IMPACT IF APPROVED: Additional parking for Class II vehicles will be permitted, with conditions.

IMPACT IF DENIED: Such parking that is not associated with a use on a property will continue to be unlawful per the Unified Development Code.

ALTERNATIVES: N/A

EEO CERTIFICATION NUMBER: N/A

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2017 - 2032 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?

1. Safe Peoria
2. Grow Peoria

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

1. Grow employers and jobs.
2. Support sustainability.

DEPARTMENT: Community Development