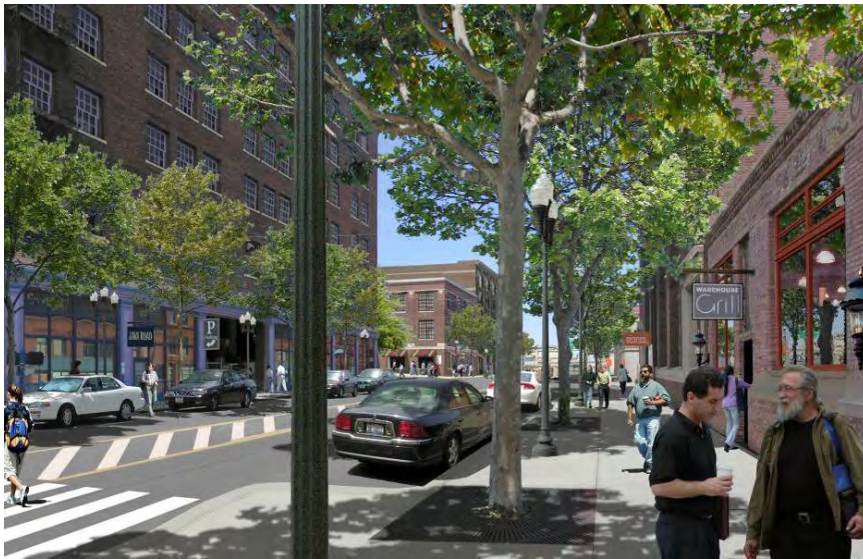














































Heart of Peoria

Land Development Code



Text Amendments

Entire code adopted June 12, 2007, Ordinance No. 16,121.

	or 	Amendments adopted on December 11, 2007, Ordinance No. 16,222.
	or 	Amendments adopted on December 17, 2007, Ordinance No. 16,229.
	or 	Amendments adopted on January 22, 2008, Ordinance No. 16,238.
	or 	Amendments adopted on March 25, 2008, Ordinance No. 16,256.
	or 	Amendments adopted on July 8, 2008, Ordinance No. 16,302.
	or 	Amendments adopted on October 28, 2008, Ordinance No. 16,348.
	or 	Amendments adopted on November 25, 2008, Ordinance No. 16,365.
	or 	Amendments adopted on February 24, 2009, Ordinance No. 16,396.
	or 	Amendments adopted on February 24, 2009, Ordinance No. 16,399.
	or 	Amendments adopted on April 21, 2009, Ordinance No. 16,416.
	or 	Amendments adopted on April 28, 2009, Ordinance No. 16,424.
	or 	Amendments adopted on June 9, 2009, Ordinance No. 16,436.
	or 	Amendments adopted on June 23, 2009, Ordinance No. 16,445.
	or 	Amendments adopted on September 22, 2009, Ordinance No. 16,475.
	or 	Amendments adopted on October 27, 2009, Ordinance No. 16,485.
	or 	Amendments adopted on October 27, 2009, Ordinance No. 16,487.
	or 	Amendments adopted on October 27, 2009, Ordinance No. 16,488.
	or 	Amendments adopted on October 27, 2009, Ordinance No. 16,491.
	or 	Amendments adopted on December 22, 2009, Ordinance No. 16,513.
	or 	Amendments adopted on January 12, 2010, Ordinance No. 16,521.
	or 	Amendments adopted on January 26, 2010, Ordinance No. 16,523.
	or 	Amendments adopted on January 26, 2010, Ordinance No. 16,527.

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 Article 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 Article 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 Article 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 Article 6.0, Form Districts. Look at the appropriate building envelope standards. See also 6.6, Architectural Standards, 6.7 Street Specifications, 6.8 Streetscape Standards, and 6.9 Parking Requirements for additional standards that apply in the Form Districts.

Overlay Districts

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

All Districts

All districts are also subject to Article 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 Article 10.0 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.

CONTENTS

1.0 General Provisions	1-1
1.1 Title	1-1
1.2 Applicability	1-1
1.3 Effective Date	1-1
1.4 Purpose and Authority	1-1
1.5 Intent	1-1
1.6 Adopted Plans	1-2
1.7 Minimum Requirements	1-2
1.8 Conflicting Provisions	1-2
1.9 Separability	1-3
2.0 Administration	2-1
2.1 Review Bodies	2-1
2.2 Zoning Certificates	2-9
2.3 Certificates of Occupancy	2-12
2.4 Administrative Deviations	2-13
2.5 Uses Permitted with Administrative Approval	2-15
2.6 Variations	2-18
2.7 Appeals	2-21
2.8 Amendments	2-22
2.9 Special Uses	2-26
2.10 Official Development Plan	2-30
2.11 Critical Traffic Management Areas	2-32
2.12 Traffic Impact Analysis	2-33
2.13 Subdivision	2-34
2.14 Fees	2-42
2.15 Penalties and Enforcement	2-43
2.16 Applicability of Standards	2-44
3.0 Districts Established	3-1
3.1 Base Districts	3-1
3.2 Form Districts	3-1
3.3 Overlay Districts	3-1
3.4 Zoning Map	3-2
3.5 Requirements Applicable to All Districts	3-2
4.0 Base Districts	4-1
4.1 Residential Districts	4-1
4.2 Commercial Districts	4-5
4.3 Industrial Districts	4-12
4.4 Institutional District	4-18
4.5 Parking District	4-20
5.0 Permitted Land Uses	5-1
5.1 General Provisions	5-1
5.2 Permitted Use Table	5-2
5.3 Use Standards	5-6
5.4 Accessory Structures and Uses	5-24

5.5	Temporary Uses	5-34
5.6	Use Categories	5-38
6.0	Form Districts	6-1
6.1	General Provisions	6-1
6.2	Sheridan Triangle	6-5
6.3	Prospect Road	6-10
6.4	West Main.....	6-15
6.5	Warehouse District	6-24
6.6	Architectural Standards	6-29
6.7	Street Specifications	6-39
6.8	Streetscape Standards	6-47
6.9	Parking Requirements	6-51
6.10	Amendments and Deviations	6-52
7.0	Overlay Districts	7-1
7.1	Neighborhood Conservation	7-1
7.2	Riverfront	7-6
7.3	Controlled Thoroughfare Corridor	7-8
8.0	General Development Standards	8-1
8.1	Off-Street Parking and Loading	8-1
8.2	Landscaping and Screening	8-12
8.3	Signs.....	8-21
8.4	Outdoor Storage and Display	8-22
8.5	Outdoor Site Lighting	8-24
8.6	Stream Buffers.....	8-26
9.0	Subdivision Design Standards	9-1
9.1	General Provisions	9-1
9.2	Design Standards	9-2
9.3	Installation of Required Improvements	9-6
9.4	Development Fees.....	9-7
9.5	Modifications.....	9-9
10.0	Nonconformities.....	10-1
10.1	Purpose	10-1
10.2	General Provisions	10-1
10.3	Nonconforming Use of a Building or Structure.....	10-1
10.4	Nonconforming Use of Land	10-2
10.5	Nonconforming Buildings, Structures and Site Elements.....	10-2
10.6	Nonconforming Use of Lots of Record.....	10-3
10.7	Nonconforming Signs Subject to Amortization.....	10-3
11.0	Definitions	11-1
11.1	Rules Of Construction.....	11-1
11.2	Abbreviations	11-1
11.3	Defined Terms	11-1

1.0 General Provisions

1.1 TITLE

This ordinance shall be known as “the Land Development Code for the Heart of Peoria,” 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, within the Heart of Peoria as designated on the Zoning District Map, unless otherwise expressly exempted or provided in this development code.

1.3 EFFECTIVE DATE

This development code became effective on July 15, 2007.

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;
- 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; and
- P. Accommodating growth and development that complies with the preceding stated purposes.

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.
- B. New development regulations for the Heart of Peoria are necessary because the existing zoning and subdivision ordinances include provisions that work against the realization of revitalized, pedestrian-friendly commercial areas, and the renovation and preservation of inner city neighborhoods. This development code in contrast with previous codes focuses on the creation of mixed-use, walkable neighborhoods. Implementation of the Heart of Peoria Plan 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.

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.

1.9 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.

	2.1.2	2.1.3	2.1.4	2.1.5	2.1.6	2.1.7	
Procedure	Zoning Administrator	Site Plan Review Board	Planning Commission	Zoning Commission	Zoning Board of Appeals	City Council	Reference
Zoning Compliance Certificates	D	R					2.2
Certificate of Occupancy	D						2.3
Administrative Deviation	D						2.4
Uses Permitted with Administrative Approval	D						2.5
Minor Variations without Site Plan Review	D						2.6
Minor Variations with Site Plan Review	D	R					2.6
Major Variations without Site Plan Review	R				<D>		2.6
Major Variations with Site Plan Review	R	R			<D>		2.6
Appeals					<D>		2.7
Amendments	R	R		<R>		<D>	2.8
Special Use	R	R		<R>		<D>	2.9
Official Development Plan	R	R		<R>		<D>	2.10
Critical Traffic Management Areas	R	R				<D>	2.11
Traffic Impact Analysis	R	R				R	2.12
Subdivision Plat (with waiver)	R		<R>			<D>	2.13
Subdivision Plat (without waiver)	D						2.13
Tract Survey	D						2.13
Multifamily Plan			<R>			<D>	2.13
Certificate of Appropriateness (oNC only)	R	R		<D>			7.1
Annexations	R		<R>			<D>	2.1.4

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

2.1.2 Zoning Administrator

The Director of Planning and Growth Management, or their designee, shall be the Zoning Administrator. The Director of Planning and Growth Management 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 Article 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 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 Site Plan Review Board, forward applications, site plans and related information to that Site Plan 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 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 Site Plan Review Board

A. Establishment

1. The Site Plan Review Board shall consist of representatives as designated by the Directors of Planning and Growth Management, 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 Site Plan Review Board. The City Council may also appoint a non-voting member to the Site Plan Review Board to represent the art community in Peoria.
3. The Site Plan Review Board may adopt its own rules and regulations. The Zoning Administrator shall serve as chairperson. All meetings of the Site Plan 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 zoning certificates for permitted uses:
 - a. As required in the R6, R7, R8, CN, CG, 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 Site Plan Review Board may, as a condition of approval prior to the issuance of a zoning certificate, 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:
 - a. Major variance;
 - b. Special use;
 - c. Official development plan;
 - d. Subdivision plat;
 - e. Planned Form Districts; or
 - f. Zoning certificate.
 - 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. Grant or deny applications for minor variances for any site in which it is required to approve or disapprove site plans in those cases where no timely objection has been filed.
5. Review, and submit comments to the Zoning Commission, on all proposed map amendments.

C. Site Plan Review Criteria

Standards to be used by the Site Plan 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 Site Plan 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. No zoning certificate shall be issued for any zoning lot for which site plan approval is required by the Site Plan Review Board unless the construction is approved by the Site Plan Review Board or in the case a Zoning Compliance Certificate for such construction has been issued.
2. The effect of the Site Plan Review Board's disapproval is that no zoning certificate, required for a building permit, shall be issued. The member of the Site Plan Review Board who denies the Site Plan is responsible for responding to the applicant regarding that denial. Appeals of decisions by the Site Plan Review Board may be made to the Zoning Board of Appeals as set forth below.
3. The Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 Site Plan Review Board. The record of any matter decided by the Site Plan Review Board shall become part of the record. Decisions by the Zoning Board of Appeals shall be final administrative decisions.

(Ordinance No. 16,222, § 1, 12-11-07)

2.1.4 Planning Commission

A. Establishment and Rules of Procedure

1. The Planning Commission is established pursuant to Chapter 23, Article III of the Peoria City Code.
2. The Planning 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. Review all applications for multi-family plans, hold public hearings thereon and report findings and recommendations to City Council.
4. Hold public hearings, review, and make recommendations to the City Council concerning the Comprehensive Plan of the City and proposed annexations to the City.

2.1.5 Zoning Commission

A. Establishment and Rules of Procedure

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

B. Authority

1. 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;
2. Review all applications for special use and official development plans, hold public hearings thereon and report findings and recommendations to City Council;
3. Receive annually in the month of January from the Zoning Administrator recommendations as to the effectiveness of this development code as it relates to the purpose and intent of the regulations and any amendments the Zoning Administrator may recommend be made to the development code, and report the Zoning Commission's conclusions and recommendations on such matters to the City Council;
4. 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;
5. Review all applications and recommendations from the Site Plan 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;
6. 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.

2.1.6 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 Site Plan Review Board.
2. To approve or disapprove major variations and minor 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.

2.1.7 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

1. Receive recommendations from the Zoning Commission, and take action upon all proposed amendments, special uses, and Official Development Plans.
2. Receive recommendations from the Planning Commission, and take action upon proposed subdivision plats with waivers and multi-family plans.
3. Review and where appropriate, act upon the annual report from the 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).
4. Receive and act upon other matters required by this development code and forwarded by the Zoning Administrator, other City Officials or citizens.
5. Approve or deny any application for modification or elimination of restrictive covenants after receiving recommendations and findings of fact from the Zoning Commission.

2.2 ZONING CERTIFICATES

Zoning Certificates certify the zoning status of property and shall be used as either a Zoning Compliance Certificate or as a Zoning Exception Certificate.

2.2.1 Purpose

A. Zoning Compliance Certificate

The purpose of the Zoning Compliance Certificate is to certify that a proposed or existing lot, proposed or existing structure thereon, and proposed or existing use complies with the requirements of this development code. Zoning Compliance Certificates are issued by the Zoning Administrator.

B. Zoning Exception Certificate

The purpose of a Zoning Exception Certificate is to provide notice and procedures to resolve disputes as to whether specific premises which do not conform to this development code may be maintained because they are one of the following:

1. Legal nonconforming uses, including legal nonconforming structures;
2. Established and approved special uses;
3. Established and approved variations; or
4. Uses permitted by an order entered by a court with competent jurisdiction.

2.2.2 Zoning Exception Certificates

A. Failure to Obtain Certificate

In the event that property owners fail to apply for a Zoning Exception Certificate within 30 days after being notified that their property does not conform to this development code, or in the event that the Zoning Administrator disapproves any application for a Zoning Exception Certificate, it shall be presumed that the property which was the subject to the application does not comply with the provisions of this development code. Such presumption may be rebutted by competent and reasonable evidence providing the property owner has a reasonable excuse for not providing such evidence to the Zoning Administrator within the time frame for making application for a Zoning Exception Certificate.

B. Standards

The Zoning Administrator shall issue Zoning Exception Certificates when they determine that the use which is the subject of the certificate is lawful. In the event the Zoning Administrator needs information not supplied by City records to make such a determination, they may require the persons interested in the property to provide proof that the use is in fact lawful. Such proof may include, but is not limited to, affidavits, certified copies of recorded or official records, or such other evidence as may be reasonably necessary to determine whether a Zoning Exception Certificate should be issued. The burden of proof shall be upon the applicant for a Zoning Exception Certificate.

C. Map

The Zoning Administrator shall keep copies of all Zoning Exception Certificates issued and may maintain a map of the City designating the locations of all zoning lots for which such certificates have been issued.

D. Required Conformance

1. Any persons, corporation or association claiming a lawful special use of or nonconforming use of any premises, building or structure, under the terms and provisions of this development code, may be required to file an affidavit together with an application for a Zoning Exception Certificate for said premises, building or structure, with the Zoning Administrator on forms prescribed by the Zoning Administrator. The Zoning Administrator shall, when necessary, make an inspection to ascertain whether said use is in fact:
 - a. Legal, nonconforming and lawful;

- b. A lawful special use; or
 - c. Unlawful under the provisions of this development code.
- 2. In those cases where the Zoning Administrator finds the premises, building, or structure or use to be lawful, the Zoning Administrator shall issue a Zoning Exception Certificate. The Zoning Administrator shall not issue a Zoning Exception Certificate except in those cases in which it is determined the premises, building, structure, or use to be lawful under the provisions of this ordinance.

2.2.3 When Zoning Certificates are Required

A. Prior to Construction and Prior to Conveyance of Property

1. Except as provided elsewhere in this development code, no permit, including a building permit, pertaining to the use of land or buildings shall be issued by an officer, department, or employee of the City of Peoria unless the application for such permit has been examined by the Zoning Administrator, and has placed their compliance certification on it or has affixed to it a Zoning Certificate, indicating the proposed building, structure or use complies with all the provisions of this development code.
2. The following permits are exempt from the requirement of a Zoning Certificate and may be issued without the compliance certification of the Zoning Administrator or the issuance of a Zoning Certificate:
 - a. Heating and electrical permits that do not expand service to a change of or increase in use; and
 - b. Building permits for work that is totally interior within an existing building and does not involve a change of use or a nonconforming use.
3. Any permit or certificate issued in conflict with the provisions of this development code, shall be null and void.
4. 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 Zoning 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 Zoning 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 Zoning Certificate 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:
 - a. 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.
 - b. Deeds or trust documents which secure debt or other obligation.
 - c. Deeds or trust documents which, without additional consideration, confirm, correct, modify, or supplement a deed or trust document previously recorded.
 - d. Deeds or trust documents where the actual consideration is less than \$100.
 - e. Tax deeds.
 - f. Deeds or trust documents of release of property which is security for a debt or other obligation.
 - g. Deeds of partition.
 - h. 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.
 - i. 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.

- j. Deeds for a single family dwelling, including residential condominium units.
 - k. Deeds representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States.
 - l. 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.
 - m. Undeveloped parcels of land.
 - n. 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.
 - o. 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.
 - p. Nonresidential uses in the Commercial, Industrial, Institutional, and Form Districts.
5. Zoning 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 development code. 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 by the City or its agents. Any Zoning 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.

B. Zoning Certificate Required Other Sections of City Code

No license permitting a specified use of premises within the Heart of Peoria shall be used unless the Zoning Administrator has first issued a Zoning Certificate which certifies that the proposed use of the premises is in conformance with the requirements of this development code.

2.2.4 Plans and Drawings

Applications for a Zoning Certificate shall be made on forms and in a manner approved by the Zoning Administrator. The Zoning Administrator may require applications to be accompanied by one or more of the following:

- A. A plot plan or plat of survey of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece of parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land;
- B. Additional drawings drawn to a scale in such form as may, from time to time, be prescribed by the Zoning Administrator showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, the number of dwelling units and number of bedrooms in such dwelling units, building elevations, and such other information as may be required by the Zoning Administrator for the proper enforcement of this development code;
- C. The Zoning Administrator may, in those cases where in their judgment it is necessary, require certification of such plot plan or plat of survey by a registered professional engineer, registered architect, or registered land surveyor; and
- D. In those cases where a Site Plan Review is required (see 2.1.3), the Zoning Administrator shall forward all pertinent plans and drawings to the members of the Site Plan Review Board.

2.3 CERTIFICATES OF OCCUPANCY

2.3.1 Purpose

In reference to this development code, the purpose of a Certificate of Occupancy 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 are issued by the Building Official and must have the approval of the Zoning Administrator.

2.3.2 Required After Construction or Change of Use, and Prior to Occupancy

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

Every application for a Building Permit or Zoning Certificate shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy 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

No Certificate of Occupancy 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 or Zoning Certificate was based. No Certificate of Occupancy 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 Site Plan Review Board is authorized to approve administrative deviations to certain requirements of Article 6.0, Form Districts and the CN and CG Districts, as specified below. 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 Site Plan Review Board for review and approval.

2.4.3 Administrative Deviation Review

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

A. Building Envelope Standards

1. Height

- a. 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%.
- b. Finished floor elevation – up to 5%.

2. Siting

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

3. Elements

- a. Windows and Doors (minimum and maximum percent) – up to 5%
- b. Elements (minimum and maximum projections) – up to 5%

B. Architectural Standards

1. Primary and accent materials – up to 10%.
2. Reserved.
3. Shopfront entry geometry – up to 10%.
4. Materials – acceptable equivalent or better material.
5. Wall Signs – façade placement for one story structures constructed prior to the establishment of Land 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.
6. Awnings and Overhangs – minimum height location for one story structures constructed prior to the establishment of Land 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 Site Plan 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 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 major variations.

(Ordinance No. 16,521, § 1, 01-12-10)

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 Zoning Administrator when such uses meet established standards as set forth below. The Zoning Administrator shall not vary any of the applicable conditions. Uses permitted with administrative approval include:

- A. Neighborhood Stores (see 5.3.3E).
- B. Child care homes;
- C. Halfway houses;
- D. Family care facilities, and
- E. Group care facilities.

2.5.2 Procedures and Appeals

- A. Upon receiving an application for a use with administrative approval, the 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 Zoning Administrator concerning the granting or revocation of use with administrative approval shall be to the Zoning Board of Appeals pursuant to 2.1.6; 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 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 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 Article 10.0 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 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 and the opportunity for a public hearing before the Zoning Administrator at which time they may present

evidence bearing upon the question and cross-examine witnesses. 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 Article 10.0, 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, Family Care Facilities, and Halfway Houses

No use permitted with administrative approval shall be approved by the Zoning Administrator unless the standards as set forth 5.3.1C 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 5.3.1B 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 5.3.2A. Such child care homes shall be accessory uses to the dwelling structure. Only family members of the dwelling owner may be employed. 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, Site Plan 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.

2.6.2 Types of Variations

A. Minor Variations

1. Minor variations are variations from height, yard (with the exception of transitional buffer yard requirements), bulk, lot area, and fence height provisions that are less than 20% of the required standard.

Example: A variation from a required 20-foot yard setback in an amount of less than four feet is a minor variation, while a variation from a required 20-foot setback in an amount of four feet or more is not a minor variation.

2. No minor variations shall be allowed in a Form District.

B. Major Variations

1. All variations authorized by this development code which are not minor variations shall be considered major variations. Any variation request of transitional buffer yard requirements shall be considered a major variation. Any variation in a Form District shall be considered a major variation.

2.6.3 Authority

A. Minor Variations

Authority to grant or deny minor variations is to be exercised by the Zoning Administrator unless such variations pertain to a site for which site plan review is required, in which case the authority to grant or deny such minor variations will be exercised by the Site Plan Review Board.

B. Major Variations

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

2.6.4 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 and whether it constitutes a minor or a major variation. If it is their decision that the request is for a minor variation, the Zoning Administrator shall analyze the request and make a decision on the merits of the request, or if the request is within the jurisdiction of the Site Plan Review Board, then the Zoning Administrator shall forward it to the Site Plan Review Board for a decision. All decisions made by the Zoning Administrator shall be in writing and include findings as to the manner in which it meets or fails to meet the standards for variations set forth in this section.

C. Procedure for Minor Variations

1. Applications for minor variations shall be submitted to the Zoning Administrator who shall set a date for a hearing on such application before the Zoning Administrator or Site Plan Review Board, as applicable.
2. At the hearing with the minor variation applicant, the Zoning Administrator or Site Plan Review Board may grant preliminary approval or deny approval of the request for the minor variation pursuant to the standards in paragraph F below and the authority to impose conditions in paragraph G below.
3. The Zoning Administrator shall mail notices of the hearing to assesses, 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 Minor Variance has been granted by the Zoning Administrator or Site Plan 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 days of the date of the notice. All written objections must state the basis for the objection to the requested minor variation. The Zoning Administrator shall also authorize the posting of the Official Notice of Public Hearing Sign, per published 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.
4. 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 minor variation with the Zoning Administrator within the allowed time, the minor variance request shall not receive final approval.
5. Applicants for minor variances that have not received final approval or that have been denied approval may file an application for a major variance public hearing by the Zoning Board of Appeals.

D. Procedure for Major Variations

Upon receipt of an application for major 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 Site Plan 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.

E. Notice Requirements for Public Hearing for Major Variation

Not less than 15 days nor more than thirty 30 days prior to a public hearing for Major 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 within the Heart of Peoria;
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.

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 with respect to one or more of the following:

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;
2. 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;

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;
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 will not alter the essential character of the neighborhood or locality;
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.

G. 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.

H. Allowable Variations

Except as otherwise provided, minor and major variations that meet the standards established in paragraph F 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 Article 10.0, Nonconformities.

I. 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 of either a Minor Variance or Major Variance.

J. 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.

(Ordinance No. 16,348, § 1, 10-28-08; Ordinance No. 16,521, § 1, 01-12-10)

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 Site Plan Review Board (SPRB), 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 Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 SPRB 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.

(Ordinance No. 16,436, § 1, 06-09-09)

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 within the Heart of Peoria and 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 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 Zoning Commission for review, public hearing and a recommendation to the City Council. All proposed map amendments shall be reviewed by the Site Plan Review Board prior to public hearing by the Zoning Commission.

2.8.4 Zoning Commission Hearing

The 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 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 within the Heart 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 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 Zoning Commission

- A. The 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 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 of the Heart of Peoria 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 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 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 R1 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 Site Plan Review Board and the Zoning Commission on the proposed amendment. The report from the 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 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 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.
2. 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.
3. All required improvements, construction standards, design standards and all other engineering standards contained within the Article 9.0 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 Site Plan Review Board for technical review and the Zoning Commission for public hearing and recommendation to the City Council.

2.9.5 Special Uses in the CG District

Use of land classified as a special use within the CG District 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 Zoning Commission Public Hearing

The Zoning Commission shall hold a public hearing on each application at such time and place as shall be established by the 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 Site Plan Review Board

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

2.9.9 Zoning Commission Findings

For each application for a special use the 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 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 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 Zoning Commission.

2.9.11 Conditions and Guarantees

Prior to the granting of any special use, the 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 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 Zoning Commission and the City Council, the special use, or authorization thereof, shall be null and void.

(Ordinance No. 16,348, § 1, 10-28-08; Ordinance No. 16,521, § 1, 01-12-10)

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 Site Plan Review Board. After reviewing the application, the Site Plan Review Board shall prepare recommendations and a technical review and shall forward the application, its review and recommendations to the Zoning Commission. The 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 Zoning Commission at the same time as the hearing on the application for approval or amendment of the official development plan. The 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 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 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 Zoning Commission with respect to a proposed official development plan, the City Council may reject the proposed plan, refer it back to the 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 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.

(Ordinance No. 16,475, § 1, 09-28-09)

2.11 CRITICAL TRAFFIC MANAGEMENT AREAS

- A. The City Council may, upon request by the Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 Article 9.0.

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 Site Plan Review Board and the City Council respectively for the issuance of zoning certificates for permitted uses and the granting of special uses, and may impose conditions to mitigate any impacts from the increased traffic.

2.13 SUBDIVISION

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.

(Ordinance No. 16,424, § 1, 04-28-09)

2.13.3 Pre-application Conference

Pre-application conference between the developer and the Planning Director shall be scheduled upon submittal of an application form to Planning Director. No plans are needed, but the developer shall present the general concept to be pursued, the size of the project, and its location. The Planning Director 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.

2.13.4 Certificates

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

2.13.5 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.

2.13.6 Sketch Plan

A. Application

Prior to the filing of a preliminary plat, the subdivider shall submit to the Planning Director 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 Planning Director 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 Planning Director 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 and their number will not exceed ten percent of the total number of lots within each respective subdivision plat having ten or more lots. Any fraction thereof will be considered the next lowest number. For subdivision plats having five to nine lots, the Planning Commission may grant one duplex lot. For subdivision plats having fewer than five lots, no duplex lots are permitted.

2.13.7 Preliminary Plat

A. Filing of Preliminary Plat

The subdivider shall file with the Planning Director 12 copies of a preliminary plat for reference to the Planning 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, 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.

C. Distribution and Review

The Planning 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 Planning Director shall review the preliminary plat and make recommendations thereon to the Planning Commission.

D. Failure of Planning Commission to Act

If the Planning 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.

E. 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 planning 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 Commission as if such plat had never been approved.

F. Notification of Action

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

- 1. If approved with modifications or disapproved, the Planning 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 Planning Director and the Planning Commission chairman shall affix their signatures to the plat on the proper certificate, and the Planning 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 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.

G. Disapproval of Preliminary Plat

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

1. Fosters excessive population density; or
2. Fosters inefficient use of land area; or
3. The character of design is not compatible with adjacent development; or
4. The design is a substantial departure from the aesthetic standards of the community; or
5. Adequate infrastructure both within and supportive to the subject property is not in place or has not been provided for; or
6. The plat does not conform with the requirements of this section or Article 8.6, Subdivision Design Standards.

2.13.8 Final Plat

A. Filing of Final Plat

The subdivider shall file with the Planning Director the original and 32 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 Planning Director shall transmit the final plat if it is substantially in conformance with the preliminary plat as determined by the Planning Director and Planning 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 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 reproducible (mylar or linen) copy of the final plat.

5. Certificates

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

2.13.9 Alternative Administrative 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 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 Article 8.6, Subdivision Design Standards.
- 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 Planning Director 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 Planning Director 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 Planning Director for conformance with an approved preliminary plat and construction plans approved by the City Engineer.

F. Approval**1. Time**

The Planning Director 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 Planning Director shall notify the owner in writing within seven days of denial.

2. Approval

When the Planning Director finds that the preliminary and/or final subdivision plat meets the criteria for approval and the fees have been paid, then the Planning Director shall approve the preliminary and/or final subdivision plat. The signature of the Planning Director 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.

H. Minor Subdivision Defined

A minor subdivision is a division of land into five 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 Article 8.6, Subdivision Design Standards;
2. Which is in conformity with the adopted plans (see 1.6) and this development code; and
3. Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction.

I. Minor Subdivision Application

The subdivider shall submit a complete application for minor subdivision approval, together with all required documents and the subdivision review fee. The application shall be on the form provided by the Planning Director, and the plat shall adhere to the content requirements for final plats. The minor subdivision approval process is also subject to paragraphs C and D above.

J. Approval of Minor Subdivisions

The Planning Director shall approve or disapprove the minor subdivision plat within 15 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 Planning Director shall notify the owner in writing within seven days of denial.

K. Certificates

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

2.13.10 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 Article 8.6, Subdivision Design Standards. 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 Article 8.6, Subdivision Design Standards. 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 (see City standard specifications for subdivision development in Article 8.6, Subdivision Design Standards). 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 Article 8.6, Subdivision Design Standards, 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

Required on-site inspection will be provided by the City at various critical points of construction. Inspection will be made upon two days' notification from applicant or their engineers.

2.14 FEES

2.14.1 General

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

Application Type	Fee
Fence Permit	\$75
Group Occupancy Permit	\$95
Home Occupation Permit	\$95
Non-Conforming Use Change	\$500 ¹
Non-Wireless Facility, Residential HAM, CB Antenna	\$75
Special Use, Special Use Amendment, Map Amendment (Rezoning)	\$500 minimum plus \$75 per acre to a maximum of \$5,000 ^{2, 5}
Subdivision Fee	\$800 plus \$20 for each dwelling unit or lot (whichever greater)
Survey Plat Review; Zoning Administrator	\$100
Permanent Sign Permit	<u>\$95 for the first sign and \$50 for each additional sign listed on the application.</u>
Temporary Sign Permit	\$50
Text Amendment	\$500 ⁴
Variance, Major; Zoning Board of Appeals	<u>The fees shall be as set forth in Section 2.14.1.a, Variance Application Fees Table⁵</u>
Variance, Minor; Zoning Administrator	<u>The fees shall be as set forth in Section 2.14.1.a, Variance Application Fees Table⁵</u>
Wireless Communication Facilities; Collocation	\$350 ⁶
Wireless Communication Facilities; New	\$500 ⁶
Zoning Certificate; Site Plan Review Board	\$150
Zoning Certificate; Zoning Administrator	\$95

¹If the petitioner seeks a time extension to meet any condition required by City Council, an additional fee of \$500 shall be paid.

²Applications 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.

⁴No fee to governmental agencies. All applications are to be accompanied by a proposed draft copy of the amendment.

⁵Applications 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.

⁶If third-party review is required, as determined by the Zoning Administrator; costs of the additional review shall be borne solely by the applicant.

A. Variance Application Fees Table:

Variation Application Fees (Non-refundable)	Residential, Before Construction	Residential, After Construction	Non-Res., Before Construction	Non. Res., After Construction
Administrative Variations, all, (<20%)	\$150	\$300	\$300	\$600
Principal Structure, Major	\$350	\$700	\$475	\$950
Accessory Structure, Major	\$250	\$500	\$425	\$850
Signs & Multi-Family/Sub. Signs, Major	\$250	\$500	\$500	\$1,000
Fence, Major	\$250	\$500	\$425	\$850

(Ordinance No. 16,238, § 1, 01-22-08; Ordinance No. 16,485, § 1, 10-27-09)

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 \$150.00 nor more than \$500.00 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 \$150.00 nor more than \$500.00 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: \$150.00.
 - 2. Second Offense: \$250.00.
 - 3. Third Offense (or more): \$500.00.
 - 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

	Parking Surface	Parking Space Striping	Disabled Spaces	Mechanical & Utility Screening	Use Standards	Parking Number, Stacking & Loading	Landscaping	Buffers & Screening	Signs	Exterior Lighting	Street Walls	Setbacks & Yards, Build To (min)	Height (min.)	Windows and Doors	Open Space Areas	Access & Circulation	Awnings, Canopies, Porches	Materials
Commercial, Industrial, Institutional, Parking, Overlay Districts																		
New Construction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use, Expansion of Use	X	X	X	X	X				X									
Expansion of Building Area																		
0%-25% expansion of building area	X	X	X	X	X													
26% to 50% expansion of building area	X	X	X	X	X		X	X				X		X	X			
51% or greater expansion of building area	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Expansion of Parking Area Only (Not in conjunction with a use/building expansion)																		
Up to 10 spaces	X	X	X	X	X	X												
11 or more additional spaces	X	X	X	X	X	X	X	X		X	X					X		
Façade Changes (increase/decrease in windows, doors, and awnings)	X	X	X	X	X				X					X			X	
Multi-family (Three or more units)																		
New Construction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use	X	X	X	X	X				X									
Expansion of Use																		
Additional units, within existing building(s)	X	X	X	X	X	X												
Additional units, exterior construction	X	X	X	X	X	X	X	X	X	X		X	X			X		X
Accessory buildings, uses, parking	X	X	X	X	X	X	X	X		X		X	X	X		X		
Single-Family (attached or detached)																		
New Construction	X				X	X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use	X				X				X									
Expansion of Building Area (addition, deck, sun room, porch)	X				X							X	X				X	X
Expansion of Use (accessory structure, shed, detached garage, recreational facility)	X				X							X	X					X

B. Form Districts

	BES				ARCHITECTURAL STANDARDS										
	Height	Siting	Elements	Use	Roofs & Parapets	Facades	Doors & Windows	Existing Buildings & Additions	Street and Garden Walls	Exterior Building Materials	Signage	Lighting	Mechanical Equipment	Streetscape Standards	Parking Requirements
Form Districts															
New Construction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use, Expansion of Use				X							X	X	X		X
Expansion of Building Area															
0%-25% expansion of building area	X	X	X	X	X				X	X	X		X		
26% to 50% expansion of building area	X	X	X	X	X	X	X	X	X	X	X		X		X
51% or greater expansion of building area	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Expansion of Parking Area Only (Not in conjunction with a use/building expansion)															
Up to 10 spaces		X	X						X	X	X	X		X	X
11 or more additional spaces		X	X						X	X	X	X		X	X
Façade Changes (increase/decrease in windows, doors, and awnings, or material changes)	X		X	X		X	X			X	X		X		

(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,348, § 1, 10-28-08); Ordinance No. 16,521 § 1, 01-12-10)

3.0 Districts Established

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

3.1 BASE DISTRICTS

3.1.1 Residential

- A. Single-Family Residential Low Density (R1)
- B. Single-Family Residential Medium Density (R2)
- C. Single-Family Residential Medium Density (R3)
- D. Single-Family Residential High Density (R4)
- E. Multi-Family Residential (R6)
- F. Multi-Family Residential (R7)
- G. Multi-Family Residential (R8)

3.1.2 Commercial

- A. Neighborhood Commercial (CN)
- B. General Commercial (CG)
- C. Central Business District (B1)

3.1.3 Industrial

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

3.1.4 Institutional

- A. Institutional (N1)

3.1.5 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 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

3.5.1 Zoning of Annexed Land

Land hereafter annexed to, or consolidated with, the City of Peoria shall be assigned to a Single Family Residential District (R3) unless the petition for annexation is accompanied by a petition for reclassification or a pre-annexation agreement, in which case the regular procedures for amendment petition hearings will be held by the Zoning Commission.

3.5.2 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, and industrial districts subject to all other applicable sections of this development code.

3.5.3 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.

3.5.4 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.

3.5.5 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.

3.5.6 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 3.5.8. 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.

3.5.7 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.

3.5.8 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 5.5.3K).

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.

4.0 Base Districts

4.1 RESIDENTIAL DISTRICTS

4.1.1 Intent Statements

A. 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.

B. 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.

C. 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.

D. R4 Single-Family Residential

The R4 District is intended to preserve established single-family neighborhoods within the Heart of Peoria. 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.

E. 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.

F. 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.

G. R8 Multi-Family Residential

The R8 District is intended to provide for high density multifamily units at a density not to exceed 40 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.

4.1.2 Permitted Land Uses

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

4.1.3 Site Plan Review

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

4.1.4 Building Envelope Standards

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

Note: R1, R2, R3, and R4 districts are subject to the Design Standards in Section 4.1.5. Where the Design Standards make no mention of a specific standard, the following table applies.

LOT	R1	R2	R3	R4	R6	R7	R8
Density (max units/acre gross)	2.00	4.00	7.26	11.62	15.02	20.00	43.00
Area (min sq. ft.)	21,780	10,890	6,000	3,750	7,500	7,500	7,500
Area per unit (min sq. ft.)	---	---	---	---	2,900	2,170	1,089
Width (min ft.)	80	70	40	37	---	---	---
Width, corner (min ft.)	100	95	95	---	---	---	---
YARDS							
Principal Structure (min ft.)							
Front	35 ⁽¹⁾	25 ⁽¹⁾	25 ⁽¹⁾	15 ⁽¹⁾	30 ⁽¹⁾	25 ⁽¹⁾	15 ⁽¹⁾
Side, Interior (single/total)	12/30 ⁽²⁾	8/20 ⁽³⁾	5 ⁽³⁾	4 ⁽⁴⁾	10 ⁽⁵⁾	6/15	6/15
Side, Corner ⁽⁸⁾	15	10	10	8	12	10	10
Rear	25	25	25	25	25	30	30
Accessory Structure (min ft.) ⁽¹⁰⁾							
Front	35	25	25	15	30	25	15
Side, Interior (single/total) ⁽⁹⁾	12/30	8/20	6	4	10	6	6
Side, Corner ⁽⁸⁾	15	10	10	8	12	10	10
Rear	1.5 ⁽⁶⁾	1.5 ⁽⁶⁾	1.5 ⁽⁶⁾	1.5 ⁽⁶⁾	3	3	3
HEIGHT							
Principal Structure (max ft.)							
Height	35	35	35	35	45	45	75
Accessory Structure (max ft.) ⁽¹⁰⁾							
Height	14	14	14	14	14	14	14
TRANSITIONAL BUFFER							
Interior Side Yard (% of lot width)	---	---	---	---	10% ⁽⁷⁾	10% ⁽⁷⁾	10% ⁽⁷⁾
Rear Yard (% of lot depth)	---	---	---	---	10% ⁽⁷⁾	10% ⁽⁷⁾	10% ⁽⁷⁾

(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 Section 5.4

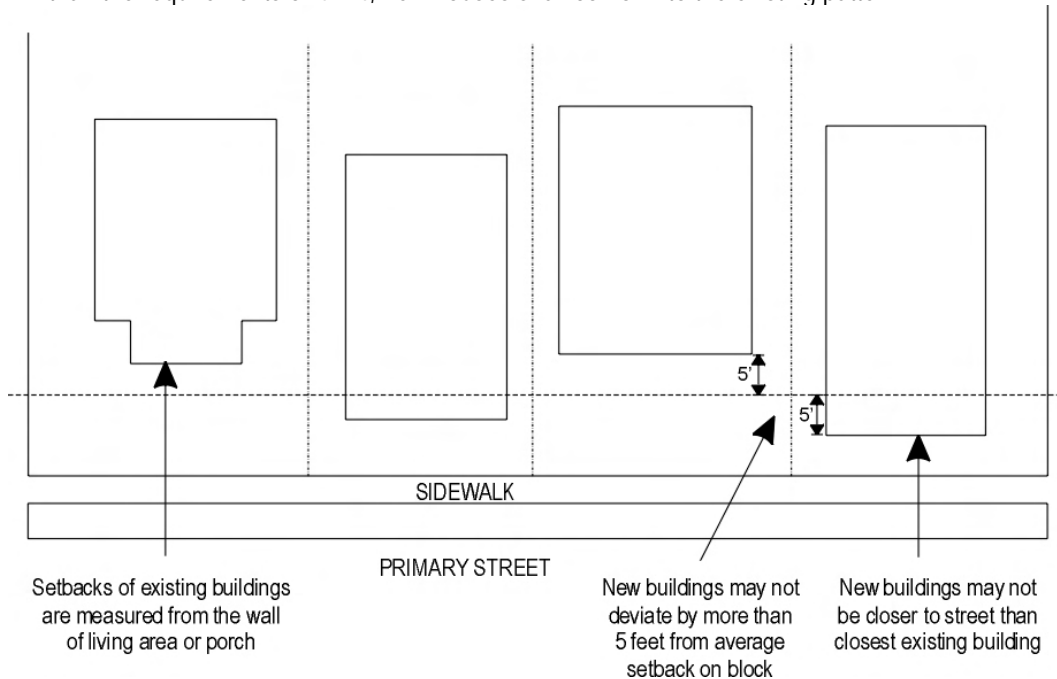
(Ordinance No. 16,222, § 1, 12-11-07)

4.1.5 Design Standards

The following standards apply to all new development in the R1, R2, R3, and R4 Districts.

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 4.1.4, 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.

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 Section 4.1.4
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.

(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,256, § 1, 03-25-08; Ordinance No. 16,399, § 1, 02-24-09)

4.1.6 Overlay Districts

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

4.2 COMMERCIAL DISTRICTS

4.2.1 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 within the Heart of Peoria 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.

B. 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.

4.2.2 Permitted Land Uses

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

4.2.3 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, Site Plan 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 Site Plan Review Board has approved the site plan.

(Ordinance No. 16,521, § 1, 01-12-10)

4.2.4 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

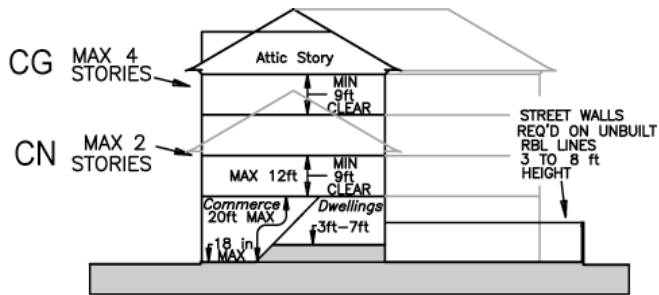
The parking setback line shall be located 15 feet behind any right-of-way line, and 5 feet behind any common lot line not abutting a right-of-way. Except where parking is provided below grade, vehicle parking areas on private property shall be located behind the parking setback line. This requirement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



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

- 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.
- 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.
- The maximum story height for the ground story is 20 feet.

4. 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 required building line.
- 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

- 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.

6. Mezzanines

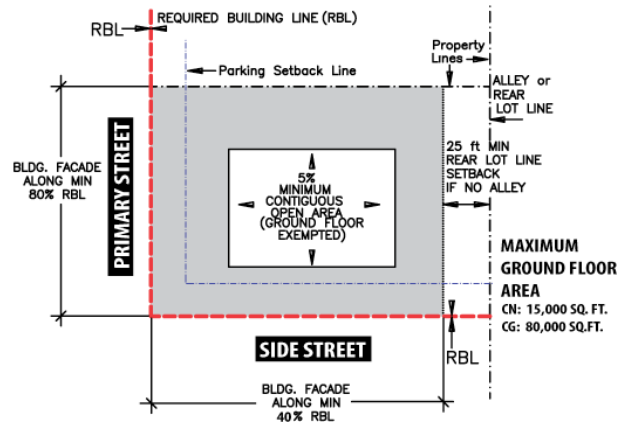
Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

7. Reserved

8. 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.

SITING



9. Street Façade

- 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.
- The building façade shall be built to the required building line within 30 feet of a block corner.
- 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

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.

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

- 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.

13. 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.

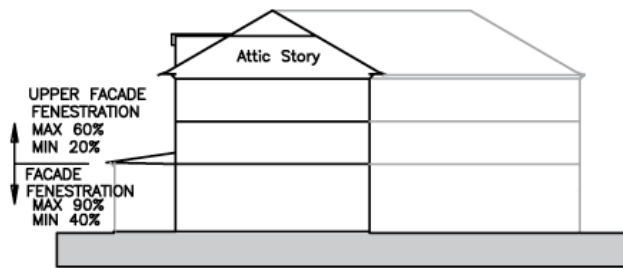
14. Unbuilt Required Building Line and Common Lot Line Treatment

- Reserved.
- 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 garden wall, 4 to 6 feet in height, shall be constructed within 1 foot of the residential property line, or
 - a transitional bufferyard shall be constructed per Section 8.2.9.

(Ordinance No. 16,521, § 1, 01-12-10)

G. Pedestrian Frontage (CN, CG)

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 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 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.)
- 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 facade 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.

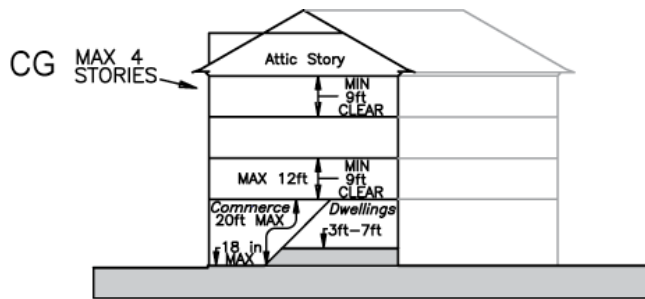
3. Doors/Entries

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

(Ordinance No. 16,521, § 1, 01-12-10)

H. General Frontage (CG)

HEIGHT



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.

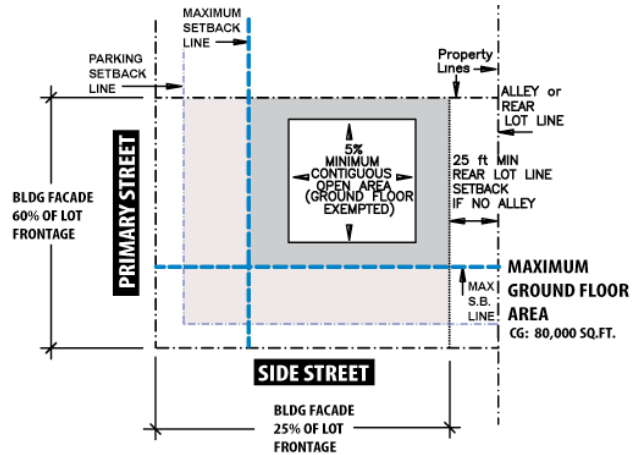
5. Mezzanines

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.

SITING



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

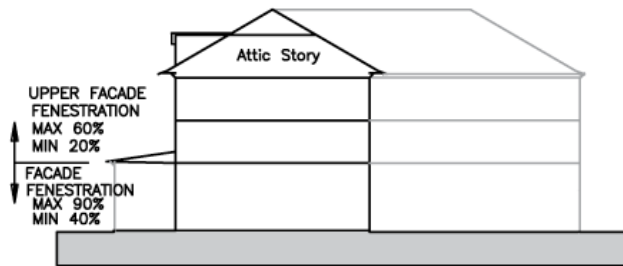
There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.

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 garden wall, 4 to 6 feet in height, shall be constructed within 1 foot of the residential property line, or
 - a transitional bufferyard shall be constructed per Section 8.2.9.

(Ordinance No. 16,521, § 1, 01-12-10)

I. General Frontage (CG) ELEMENTS



1. Windows and Doors

- Blank lengths of wall exceeding 20 linear feet are prohibited on all building façades.
- Windows and Doors on the ground story façades 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 façades 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 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.

(Ordinance No. 16,521, § 1, 01-12-10)

J. Additional Building Envelope Requirements**1. Garden Wall and Transitional Buffer Yard**

A Garden Wall as set forth in 4.2.4.F.14.c. and 4.2.4.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.

(Ordinance No. 16,521, § 1, 01-12-10)

4.2.5 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

No building hereafter erected or structurally altered shall exceed a height at the property line one and one-half times the width of the street, but above the height permitted at the property line three feet may be added to the height of the building for each foot that the building or portion thereof is set back from property line.

4.2.6 Overlay Districts

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

4.3 INDUSTRIAL DISTRICTS

4.3.1 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. Flexible design will be encouraged through the use of Planned Unit Developments.

4.3.2 Permitted Land Uses

- A.** Permitted uses by zoning district are set forth in Article 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 4.3.7.
- C.** At the discretion of the Zoning Administrator, Planned Unit Developments may be allowed in industrial districts (see Appendix A, Article 2.15.I. of the City Code).

4.3.3 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 site plan review process as set forth in 2.1.3, Site Plan Review Board.

4.3.4 Building Envelope Standards

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

STANDARD	I1	I2	I3
Lot area (min sq. ft.)	21,780	none	none
Lot width (min ft.)	100	none	none
PLANNED			
Lot area (min sq. ft.)	---	10,000	10 acres
Lot width (min ft.)	---	75	---
YARDS			
Front (min ft.)	25	Avg. ⁽¹⁾	Avg. ⁽¹⁾
Side, Interior (min ft.)	20	---	---
Side, Corner ⁽²⁾ (min ft.)	25	---	---
Rear	20	---	---
PARKING			
Front (min ft.)	Prohibited	---	---
Side, Interior (min ft.)	10	---	---
Side, Corner (min ft.)	Prohibited	---	---
Rear	10	---	---
HEIGHT			
Height (max ft.)	45 ⁽³⁾	45	75 ⁽⁴⁾

(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.

4.3.5 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.

4.3.6 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.

4.3.7 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 0.

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 to Residential Districts During Daytime Hours

Except as elsewhere provided in this development code, no use shall cause or allow the emission of sound during daytime hours from any noise source located in any industrial district to any receiving residential district which exceeds the allowable octave band sound pressure level specified below, when measured at any point within such receiving residential district; provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such noise source.

ALLOWABLE OCTAVE BAND SOUND

Octave Band Center Frequency (hertz)	Pressure Levels (db)
31.5	72
63	71
125	65
250	57
500	51
1000	45
2000	39
4000	34
8000	32

d. Sound Emitted to Residential Districts During Nighttime Hours

Except as elsewhere provided in this development code, no use shall cause or allow the emission of sound during nighttime hours from any noise source located in an industrial district to any receiving residential district which exceeds any allowable octave band sound pressure level specified below, when measured at any point within such receiving residential district; provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such noise source.

ALLOWABLE OCTAVE BAND SOUND

Octave Band Center Frequency (hertz)	Pressure Levels (db)
31.5	63
63	61
125	55
250	47
500	40
1000	35
2000	30
4000	25
8000	25

e. Sound Emitted to All Other Districts

Except as elsewhere provided in this development code, no use shall cause or allow the emission of sound from any noise source located in an industrial district to any receiving commercial district, institutional district, parking district, or form district, which exceeds any allowable octave band sound pressure level specified below, when measured at any point within such receiving district; provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such noise source.

ALLOWABLE OCTAVE BAND SOUND

Octave Band Center Frequency (hertz)	Pressure Levels (db)
31.5	79
63	78
125	72
250	64
500	58
1000	52
2000	46
4000	41
8000	39

f. Sound Emitted in or to an I1 District

Except as elsewhere provided in this development code, no use shall cause or allow the emission of sound from any noise source located in any industrial district land to any receiving I1 District which exceeds any allowable octave band sound pressure level below, when measured at any point within such receiving I1 District; provided, however, that no measurement of sound pressure levels shall be made less than 35 feet from such noise source.

ALLOWABLE OCTAVE BAND SOUND

Octave Band Center Frequency (hertz)	Pressure Levels (db)
31.5	80
63	79
125	74
250	69
500	63
1000	57
2000	52
4000	48
8000	45

g. 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	Nonresidential	Residential
61	50	45

h. 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.

i. Exceptions

- 1) Paragraphs c through f above shall not apply to sound emitted from emergency warning devices and unregulated safety relief valves.
- 2) Paragraphs c through f above shall not apply to sound emitted from lawn maintenance equipment and snow blowers and similar snow removal equipment used during daytime hours.
- 3) Paragraphs c through f above shall not apply to 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) Paragraphs c through f above shall apply to 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.

4.3.8 Overlay Districts

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

4.4 INSTITUTIONAL DISTRICT

4.4.1 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.

4.4.2 Permitted Land Uses

- A. Permitted uses by zoning district are set forth in Article 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.

4.4.3 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, Site Plan Review Board.

4.4.4 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:

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

⁽¹⁾ 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 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.

4.4.5 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.

4.4.6 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 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.

4.4.7 Overlay Districts

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

4.5 PARKING DISTRICT

4.5.1 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. The district is not intended for use on additional lands within the Heart of Peoria.

4.5.2 Permitted Land Uses

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

4.5.3 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, Site Plan Review Board.

4.5.4 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):

	Front and Corner Side Yard	Interior Side Yard	Rear Yard
Parking, Parking Structure or Accessory Structure	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		--
Transitional Buffer Yard Abutting Residential	--	10% of the lot width/depth; 10 feet min 25 feet max	

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.

4.5.5 Overlay Districts

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

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 Article 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 Article 5.6, Use Categories. Uses may be further defined in Section 5.6.6, 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

		KEY: Blank cell = Not Permitted ■ = Permitted □ = Subject to Special Use Review															
USE CATEGORY	SPECIFIC USE	R1	R2	R3	R4	R6	R7	R8	CN	CG	B1	N1	P1	I1	I2	I3	Use Standard
RESIDENTIAL																	
Household Living (see 5.6.2.A)	Single-Family	■	■	■	■	■	■	■									
	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					□	□	□									
	Congregate Housing	□	□	□	□	□	□	□	□	□	□						
	Elderly Housing, Assisted Living Facility	□	□	□	□	□	□	□	□	□	□						
	Fraternity, Sorority, Student Dormitory											□					
	Family Care Facility	□■	□■	□■	□■	□■	□■	□■					□				5.3.1C
	Group Care Facility	□	□	□	□	□	□■	□■									5.3.1C
	Monastery, Convent	□	□	□	□	□	□	□	□	□	□						
	Nursing Home, Full-time Convalescent, Hospice, Life Care Center					□	□	□	□	□	□						
CIVIC																	
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:	■	■	■	■	■	■	■	■	■	■	■			■	■	■
	Cemetary, Mausoleum, Columbarium, Memorial Park	□	□	□	□	□	□	□	□	□	□	□					
	Game Preserve, Wildlife Management Area, Refuge, Animal																
Passenger Terminal (see 5.6.3.F)	Airport, Heliport																
	Bus, Train Passenger Terminal										□					■	■
	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)	Alcohol Abuse Treatment, Drug Rehabilitation						□	□	□	□	■						
	Halfway House						□	□	□	□	□						5.3.1C
	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	□	□	□	□	□	□	□	■	■	■	□			■	■	■
	All major utilities														□	□	□
	Wireless Communication Facility	see 5.3.2D															
COMMERCIAL																	
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)	All commercial parking									□	■	■	■	■	■		
Restaurant (see 5.6.4.F)	All restaurants, except as listed below:								■	■	■						
	Restaurant, Drive-in									■							

		KEY: Blank cell = Not Permitted ■ = Permitted □ = Subject to Special Use Review																
USE CATEGORY	SPECIFIC USE	R1	R2	R3	R4	R6	R7	R8	CN	CG	B1	N1	P1	I1	I2	I3	Use Standard	
COMMERCIAL (CONT.)																		
Retail Sales and Service (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				□	□	□	□	■	■	■				■			
	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	
	Greenhouse or Nursery, Commercial									■					■			
	Neighborhood Store (existing)	□	□	□	□	□	□	□									5.3.3E	
	Post Office				□	□	□	□	■	■	■			□				
	Pawnshop									■	■					■		
Tattoo, Palmist, Psychic or Medium, Massage parlor										□	■							
Vehicle parts and accessories										■	■				■			
Self-Service Storage (see 5.6.4.H)	Warehouse, self-service, mini-storage														■	■	5.3.3F	
	Warehouse, indoor multi-story									■	■				■	■	5.3.3F	
Vehicle Sales and Service (see 5.6.4.I)	All Vehicle Service, except as listed below:								□	■	■				■	■	5.3.3G	
	Lube, Oil Change Facility									■	■				■	■	5.3.3G	
	Tire motor vehicle sales and service									■	■				■	■	5.3.3G	
	Full- or Self-Service Vehicle Wash									■	■				■	■	5.3.3G	
	All Vehicle Repair									■	■				■	■	5.3.3G	
	All Vehicle Sales, except as listed below:									■	■				■	■	5.3.3G	
	Manufactured housing sales														■	■	5.3.3G	
Water-Oriented (see 5.6.4.J)	All water-oriented									■	■				■	■		
INDUSTRIAL																		
Wholesale Trade (see 5.6.5.A)	All wholesale trade										□			■	■	■		
	All light industrial, except as listed below:													■	■	■		
Light Industrial (see 5.6.5.B)	Beverage Manufacturing and/or Bottling Plant														■	■		
	Crematorium														■	■		
	Sheet metal shop									□	□			■	■	■		
	Woodworking, including cabinet makers and furniture manufacturing									□	□			□	■	■		
Warehouse & Distribution (see 5.6.5.C)	All warehouse and distribution, except as listed below:													■	■	■		
	Cartage and Express Facility													□	■	■		
Heavy Industrial (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													□	■	■		
Waste-Related Services (see 5.6.5.E)	All waste related services, except as listed below:															□		
	Recycling Drop-off Facility									□	□							
	Solid or Liquid Waste Transfer Station														□			

		KEY: Blank cell = Not Permitted ■ = Permitted □ = Subject to Special Use Review															
USE CATEGORY	SPECIFIC USE	R1	R2	R3	R4	R6	R7	R8	CN	CG	B1	N1	P1	I1	I2	I3	Use Standard
OPEN																	
Agriculture (see 5.6.6.A)	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)																	
Resource Extraction (see 5.6.6.B)	All resource extraction																■
	Dredging, earth extraction, clearing or grading (timber cutting)																
	Metal, sand stone, gravel clay, mining and other related processing																
OTHER																	
Planned Unit Development (PUD) (see 5.6.6.A)	All Planned Unit Developments (PUD)	□	□	□	□	□	□	□	□	□	□			□	□	□	5.3.4.A

(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,229, § 1, 12-17-07; Ordinance No. 16,365, § 1, 11-25-08; Ordinance No. 16,424, § 1, 04-28-09; Ordinance No. 16,488 § 1, 10-27-09; Ordinance No. 16,513 § 1, 12-22-09)

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, Family Care Facility, Halfway House

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, Family Care Facilities, and Halfway Houses 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).

(Ordinance No. 16,521, § 1, 01-12-10)

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 Site Plan 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

Appendix B, Zoning Ordinance, Sections 3.3 through 3.15, of the City Code, shall apply to all telecommunications antennas and towers in the Heart of Peoria. For the purpose of these sections, the Warehouse Form District shall be regulated by applying the B-1 standards, the CG District shall be regulated by applying the C-2 standards, and the CN District, along with the Prospect, Sheridan and West Main Form Districts shall be regulated by applying the O-1 standards.

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

Except in a Form District, no bed and breakfast establishment shall be granted unless the following standards are met:

1. A minimum of 500 feet shall exist between each bed and breakfast establishment.
2. Signage shall not exceed twelve inches by twelve inches.
3. 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.
4. Parking shall be in accordance with 8.1.6. 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.
5. 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.
6. 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. Parking facilities will be evaluated to ensure that adequate parking is available during the approved operating hours of the event.
2. The market may not be permitted on vacant or unimproved land.
3. The market shall conform to all applicable rules and regulations governing farmers markets.
4. 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.
5. The market shall be limited in days and hours of operation so as to not interfere with the surrounding land uses.
6. No variances from these standards are permitted.

E. Neighborhood Store

1. Purpose

There exists in the Heart 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. Any person owning or having interest in the subject property may file an application for a zoning certificate to use such land for a use permitted with administrative approval provided for in this development in the residential zoning district in which the land is situated. Such application shall be submitted to the Zoning Administrator together with the application fee and such proof that the land and structure comply with the requirements set forth for the permit, as the Zoning Administrator may require, including a site plan of the subject property.
- b. 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 8.1.10) may be submitted with the approval of the Zoning Administrator.
- c. Such use shall be permitted only after it has been reviewed by the Zoning Administrator as an appropriate use for the surrounding residential neighborhood.
- d. 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.
- e. 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.
- f. All business, servicing, or processing shall be conducted within a completely enclosed building.
- g. The subject building must be in compliance with all applicable building codes. Also, façade improvements may be required by the Zoning Administrator.

- h. 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).
- i. 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 section 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 section 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 section 5.3.3.H. of this ordinance must be met. The nonconforming use provisions as set forth in Article 10, and following, shall not apply to said uses.

5.3.4 Planned Unit Developments (PUDs)

A. The Purpose of the Planned Unit Development

The purpose of Planned Unit Developments are to provide a mechanism to accommodate development which is in the public interest, and would not otherwise be permitted pursuant to this ordinance. A PUD may be primarily commercial, industrial, residential, institutional, or mixed use.

A Planned Unit Development is of substantially different character than other uses described in this ordinance and is therefore a special use. The Planned Unit Development requirements and regulations allow for far more flexibility than those pertaining to other uses; therefore Planned Unit Developments shall be considered by the Zoning Commission and decided by the City Council on a case-by-case basis.

A Planned Unit Development shall be granted as a unique type of special use in the districts in which planned unit developments are allowed, in accordance with the procedures and standards set forth in this Section.

It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

1. Designs in residential areas which reflect the historic open character of single family areas of the City;
2. Designs which provide substantial buffers and transitions between areas of different land use and development densities;
3. Designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces;
4. Designs which counteract possible urban monotony and congestion in streets;
5. Designs which promote compatible architecture between adjacent buildings;
6. Designs which will buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development.

B. Intent

These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses and that may be located in more than one zoning district.

In general, the Planned Unit Development provisions of this ordinance are intended to provide the following:

1. A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other Sections of this ordinance;
2. Development and/or permanent reservation of open space, recreational areas and facilities;
3. A land use plan which permits preservation of green space, natural vegetation, topographic and geological features and historic resources;

4. A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities;
5. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities;
6. Innovations in development so that the growing needs and demands of the population may be met by a greater variety in type, design, and layout of buildings, and by conservation and more efficient use of open space ancillary to said buildings, all in a manner so as to be consistent with the character of the zoning district in which the Planned Unit Development is located;
7. A land use which promotes the public health, safety, comfort, morals and welfare.

It is not intended that the City will automatically grant the use of exceptions or maximum density increases for all Planned Unit Developments, but it is expected that the City Council shall grant only such increases or uses which are consistent with the benefits accruing to the City as a result of the planned development. Therefore, the Zoning Commission may recommend and City Council may require as a condition of approval any reasonable condition, limitation or design factor which will promote proper development of a Planned Unit Development.

C. Authority

The Zoning Commission shall have the authority to review Planned Unit Developments and make recommendations to the City Council, including any waivers of the City's Zoning and Subdivision Regulations. The City Council shall have the final reviewing authority.

D. Special Requirements for Planned Unit Development

1. The minimum gross area required for a planned development shall be ten (10) acres.
2. The procedures and standards set forth in this Planned Unit Development section shall apply to all planned unit developments which are proposed, or maintained within the City of Peoria, or in an unincorporated area within one and one-half miles from the City limits.

E. Procedure

All required improvements, construction standards, design standards and all other engineering standards contained within the City's Subdivision Regulations must be complied with, except where specifically varied through the provisions of this section of the ordinance.

The City Council shall make final administrative decisions on Planned Unit Developments relying, in part, upon written findings and recommendations from the Zoning Commission, and the Site Plan Review Board.

Applications shall be made on forms provided by the City and shall be accompanied by the required plats and documents. The application, and each step set forth herein shall be reviewed and certified as complete by the Zoning Administrator and to be in accordance with the Planned Unit Development requirements.

F. Preapplication Conference

Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a preapplication meeting with the Zoning Administrator.

The purpose of such a conference is to allow the Zoning Administrator, or his/her delegate, to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures which are at that time officially adopted and which may affect the proposed development, or consideration of said development by the Zoning Commission. Such a conference also allows the applicant to present a general concept of his/her proposed development prior to the preparation of

detailed plans. The applicant shall present material including the following, at the Preapplication Conference:

1. A written "Letter of Intent" from the applicant establishing his/her intentions as to development of a specific Planned Unit Development located within the City of Peoria.
2. A location map.
3. Sketch plans and ideas regarding land use[,] dwelling type and density, street and lot arrangement and tentative lot sizes.
4. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
5. A statement setting forth the reasons why the relief sought requires the use of a planned unit development and could not be sought by application for one or more variances.
6. Other material the applicant may wish to present.

The Zoning Administrator shall advise the applicant of the zoning requirements and official City plans and policies which might affect the proposed development as well as the procedural steps for approval.

G. Preliminary Plan

The preliminary plan and application for the Planned Unit Development shall be submitted to the Zoning Administrator who, after certifying the application to be complete, shall forward it to the Site Plan Review Board for technical review and to the Zoning Commission for their consideration, public hearing and subsequent recommendation to the City Council. The Zoning Commission may request review of the Planned Unit Development by, and recommendations from other appropriate departments, offices and agencies it deems affected by the proposed development.

The required procedure for consideration and approval of the Preliminary Plan shall be:

1. Submission of the following:
 - a. Items (a) through (e) required for the preapplication conference.
 - b. Written application for approval of a Planned Unit Development shall be made on forms and in the manner prescribed by the City.
 - c. A statement of conformity with City's Subdivision and Zoning Regulations along with a list of any requested variations from this ordinance.
 - d. Copies of the Preliminary Planned Unit Development Plan and supporting data shall be submitted to the City for certification as to conformity with these PUD regulations, recommendations, and suggestions regarding the overall design.
2. Copies of the Preliminary Planned Unit Development Plan and supporting data may be made available to any other taxing district, which might be affected by the development. The Zoning Administrator or his/her designee may notify any other taxing district or entity of a filing of an application for a PUD which he/she deems may be affected by the development.
3. The Site Plan Review Board shall review the preliminary plan and submit written findings and recommendations to the Zoning Commission.
4. The Zoning Commission shall review and consider and hold a public hearing on each application for approval of a Planned Unit Development.
5. Following the public hearing, review of the preliminary plan, Site Plan Review Board findings and recommendations and other supporting data, the Zoning Commission shall make its findings and recommendations and send a written report to the City Council which shall include findings of fact, pursuant to Section 5.3.4.(11)(c)6, upon which its findings and recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval, or approval with modifications. This report to the City Council must be submitted within 60 days after

the last session of the public hearing of the Zoning Commission or the Commission must indicate to the City Council why such report cannot be rendered within that time period.

6. The City Council shall act upon the recommendation within 120 days after receipt of the Zoning Commission's report. The City Council may approve with modifications, refer back to the Zoning Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for City Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.
7. Approval of the Preliminary Plan for a Planned Unit Development shall not constitute approval of the Final Planned Unit Development Plan. Rather it shall be deemed an expression of approval of the concepts and details of the Preliminary Plan of the Planned Unit Development, which are set forth in the Application for Approval of the Planned Unit Development, and as a specific guide to the preparation of final documents which are required as part of the Application for Approval of the Final Planned Unit Development Plan. Further, it indicates approval of the details set forth in the application and a commitment by the applicant to such details.

No building permit shall be issued for any structure until the Final Plan has been filed, approved by the City Council, and recorded with the County Recorder, as provided below.

8. Upon approval of the Preliminary Plan by the City Council a record shall be certified by the City Clerk including the Application for Approval of a Preliminary Plan for a Planned Unit Development, conditions applied, modifications and any density premiums which may be granted, and exceptions, if any, to the plan shown in the application which were ordered by the City Council.
9. The applicant may choose to construct facilities and other improvements described in Sections 2.13.10 and 9.3 prior to the approval of the Final Plan. Approval for such construction may be granted by the City Council at the time a Preliminary Plan is approved. When such approval is granted and appropriate performance bonds and guarantees accepted by the City Council in accordance with the requirements set forth in Section 2.13.10.E, permits may be issued for the construction of such facilities or other improvements.

H. Final Plan

The purpose of the Final Plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and building sites. Preliminary Plan shall generally locate buildings, whereas the Final Plan shall show the exact location of each building to be constructed and a designation of the specific internal use to which each building shall be put. The Final Plan also functions to inform all who deal with the Planned Unit Development of the restrictions placed upon the land and acts as a zoning control device.

The Final Planned Unit Development Plan shall conform substantially to the Preliminary Plan as approved, and if desired by the applicant, it may be submitted in stages, with each stage representing a unit of the approved Preliminary Plan which is recorded and to be developed; provided, however, that such unit conforms to all requirements of these regulations. The required procedure for approval of a Final Plan shall be:

1. The Final Plan and supporting data shall be filed with the Zoning Administrator for certification that the Final Plan is in conformity with these regulations and in agreement with the approved Preliminary Plan.
2. All Final Plans shall be accompanied by a written construction schedule for the development.
3. After review of the Final Plan and supporting data, the Zoning Administrator shall send his/her findings and recommendations for all final plans, which are found to substantially conform to the Preliminary Plan, to the City Council within 30 days of receipt of such final plan from the applicant. The City Council shall, within 60 days, act upon such recommendations. Disapproval of the Final Plan shall include a statement of the reasons thereof.

If the Zoning Administrator, upon his/her review finds major changes on the final plans, the plans shall be sent to the Zoning Commission for review subject to procedures and regulations for new Planned Unit Developments except that no pre-application conference shall be required.

I. Changes in the Planned Unit Development

A Planned Unit Development shall be developed only according to the approved and recorded Final Plan and all supporting data. The recorded Final Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of the premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development, as set forth therein.

1. Major Changes

Changes which alter the concept or intent of the Planned Unit Development, including but not limited to: increases in the density; increases in the height of the building; reductions or loss of proposed open space; more than a 10 percent modification in proportion of housing types; changes in standards or alignment of roads; utilities; water; electricity; and drainage; or changes in the final governing agreements, provisions, or covenants, may be approved only by submission of a new Preliminary Plan and supporting data, and following the "preliminary approval" steps, holding of a new public hearing and subsequent amendment of the Final Planned Unit Development Plan.

2. Minor Changes

The administrator or his/her designee may approve minor changes to the conditions of an approved Planned Unit Development, provided it is determined that the proposed change(s) are an allowed use within existing the existing zoning district and are in keeping with the approved land use and general conditions of the site plan adopted by the Peoria City Council. It should further be determined that the proposed change will not be detrimental to the public health, safety or welfare of the surrounding properties.

J. Recording the Final Plan

The ordinance construction of the Planned Unit Development shall be effective only upon recording of the Final Planned Unit Development Plan and supporting data with the County Recorder of Deeds by the petitioner. No permit allowing construction of a building or other development, shall take place until the required recording of the Final Plan, approval of the final engineering plans by the City Engineer and the posting by the applicant of the required improvement deposits, as set forth in Section 2.13.10. All recording costs shall be paid by the applicant.

K. Specific Content of Plans

Planned Unit Development Plans and supporting data shall include all documentation listed in this section of the zoning ordinance. In developing plans and specifications for all required improvements, the applicant must also conform to the standards set forth in the City's Subdivision Regulations or specifically state where and for what purpose he/she wishes to be granted exceptions to those regulations.

1. Pre-application Stage

a. General Site Information:

Data regarding site conditions, land characteristics, general land use zoning, available community facilities and utilities, existing covenants, and other related general information about land uses within one-half (1/2) mile of the proposed site perimeter.

b. Sketch Plan

A scaled drawing in simple sketch form showing the proposed location and extent of the land uses, major streets, lots, and other features as they are related to the site.

c. Legal Description

A property survey and legal description of the site proposed for development.

2. Preliminary Plan Stage

a. Detailed Plan

A drawing of the Planned Unit Development shall be prepared at a scale not less than 1" = 50' and shall show such designations as proposed streets (public and private), all buildings, their yards and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings, and shall include:

- 1) Boundary lines--Bearings, distances and acreage.
- 2) Easements--Location, width and purpose.
- 3) Existing land use--Within 500' of all sides of the site.
- 4) Other conditions on adjoining land--Actual direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; for owners of adjoining platted land refer to subdivision plat by name, recording date and number and show approximate percent built up, typical lot size, and dwelling type.
- 5) Zoning on and adjacent to the tract.
- 6) Streets on, adjacent to, the tract--Street name, right-of-way width, existing or proposed center line elevations, pavements [pavement] type[s], walks, curbs, gutters, culverts, etc.
- 7) Proposed public improvements--Highways and other major improvements planned by public authorities for future construction on or near the tract.
- 8) Utilities on, adjacent to, the tract--Location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights; direction and distance to, and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.
- 9) Ground elevation on the tract and on the first 50 feet on all adjacent tracts of land showing one (1) foot contours for land which slopes less than one-half (1/2) percent along with all breaks in grades, at all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than one-half (1/2) percent showing two (2) foot contours. Any land within the 100 year floodplain within the project area shall be identified on these plans.
- 10) Subsurface conditions on the tract, if required, tests made to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five (5) feet.
- 11) Other conditions on the tract--Water courses, marshes, rock outcrops, wooded areas, isolated trees one (1) foot or more in diameter, existing structures and other significant features.
- 12) Title and certificates--Present tract designation according to official records in offices of the County Recorder; title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage. Owners shall include beneficial owners of any land trust.
- 13) Names--The names and addresses to whom notices of hearings hereunder shall be sent, including the subdivider or developer, the designer of the subdivision or development, and the owners of the land immediately adjoining the land to be platted.
- 14) 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.
- 15) General location, purpose, and height of each building, other than detached single-family residences or individually platted lots.
- 16) Map data--Name of development, north point, scale and date of preparation.
- 17) Miscellaneous--Such additional documents as may be required by the Zoning Administrator. The Zoning Administrator shall inform the applicant of such requirements after the pre-

application stage and again after the initial presentation of the Preliminary Plan to the Zoning Commission.

18) Legal description.

b. Variations

Identification and explanation of those aspects of the proposed Planned Unit Development that vary from the Zoning Ordinance requirements applicable to the underlying zoning district and from the Subdivision Regulations of the City.

c. Character

Explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed Planned Unit Development meets the objectives of all official plans which affect the land in question.

d. Ownership

Statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.

e. Schedule

Development schedule indicating:

1) Stages in which project will be built, with emphasis on area, density, use and public facilities, such as open space to be developed with each stage. Each stage shall be described and mapped as a unit of the project. Overall design of each unit shall be shown on the plan and through supporting graphic material.

2) Dates for beginning and completion of each stage.

f. Covenants

Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continue protection of the Planned Unit Development and any of its common open space.

g. Nonresidential Intensity

Provide information on the type and amount of nonresidential uses including building locations, sizes, floor area ratio, building height, the amount and location of common open space, the hours of operation, number of employees, and specific uses.

h. Service Facilities

Provide information on all service facilities, driveways, private streets, paths and off-street parking facilities.

i. Architectural Plans

Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units.

j. Facilities Plan

Preliminary plans and if requested by the City of Peoria, feasibility reports for:

1) Roads, including classification, width of right-of-way, width of pavement, and construction details

2) Sidewalks

3) Sanitary sewers

4) Storm drainage

5) Water supply system

6) Street lighting

7) Public utilities

k. Landscape Plan

A detailed landscape planting plan for the site including a plant list containing the common and botanical names, sizes, at the time of installation, and quantities of all plants, permanent signs and street fixtures. A "typical" planting detail may be provided for any area such as a building foundation that will use a specific planting layout in more than one location on the site.

l. Community-Benefit Analysis:

If requested by the Zoning Administrator and Zoning Commission, a study shall be prepared indicating the fiscal impact of the Planned Unit Development on major taxing bodies which shall include but not be limited to the municipal corporation, school district(s), park district and other taxing bodies.

Information will include detailed estimates on expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital investments required, in part or in whole, because of the Planned Unit Development; revenue generated for each taxing body by the Planned Unit Development to offset service and fiscal demands created by the Planned Unit Development. The study should include a cash flow analysis based on the proposed staging of the Planned Unit Development.

m. Traffic Analysis

If requested by the Zoning Administrator or the Zoning Commission, a study of the impact caused by the Planned Unit Development on the highway systems operating in the City will be required.

n. Environmental Analysis

If requested by the Zoning Administrator or the Zoning Commission, the major impacts of the Planned Unit Development on the environment shall be analyzed and shall disclose all major negative impacts as defined from time to time by the City Council. Generally, these impacts would include effects on discrete ecosystems, deteriorated air quality in the immediate vicinity and along arterial and collector highway corridors leading to the Planned Unit Development, to a distance established by the City Engineer; any deterioration in the groundwater or surface water quality; effect on sensitive land areas identified by the City Council from time to time, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, or prairie landscapes, and mineral resource reserves.

o. Neighborhood Association Meeting

The petitioner shall meet with any neighborhood association on record with the City and identified by the City as affected, due to proximity, by the development. The petitioner shall present the City with a letter from the President of the Association certifying that a meeting was held to discuss the plan, and the results shall be summarized.

3. Final Plan Stage

a. Final Detailed Plan

A Final Plan, suitable for recording with the County Recorder of Deeds, shall be prepared by the petitioner.

The purpose of the Final Plan of the Planned Unit Development is to designate with particularity the land subdivision into conventional lots as well as the division of other lands, not so treated, into common open space areas and building areas, and to designate and limit the specific internal uses of each building, structure, and use of land. Final Plans and supporting data shall show in detail and design, the location and internal use of all buildings and the overall development, as well as such additional information as the City Council or the Zoning Commission may have required when approving the Preliminary Plan. The Final Plan of the Planned Unit Development shall include, but not be limited to:

- 1) An accurate legal description of the entire area under immediate development within the Planned Unit Development.

- 2) If subdivided lands are included in the Planned Unit Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat in accordance with the City's Subdivision Regulations.
 - 3) An accurate legal description of each separate unsubdivided use area, including open space.
 - 4) Designation of the location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put, including construction details, showing center line elevations, pavement type, curbs, gutters, culverts, etc., and a street numbering designation shall be furnished for each building.
 - 5) A statement signed by an Illinois Registered Professional Engineer stating that:
 - 6) The Planned Unit Development will conform to City Standards for run-off.
 - 7) The Planned Unit development will not overload existing storm or sanitary sewers.
 - 8) Except where a specific variation is stated, the design of all improvements is in accordance with the City of Peoria, Subdivision Regulations as well as standard and good engineering practice.
 - 9) Certifications, seals, and signatures required for the dedication of land and recording of the document.
 - 10) Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre.
 - 11) Construction schedule.
- b. Common Open Space Documents
All common open space, at the election of the City shall be:
- 1) Conveyed to a municipal or public corporation.
 - 2) Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the Planned Unit Development or adjoining property owners or any one or more of them. All lands conveyed hereunder shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space;
or
 - 3) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners and/or both.
- c. Improvements--Guarantee of Performance
The owner and/or developer shall guarantee the completion of all required improvements and facilities, as set forth in the City of Peoria's Subdivision Regulations, except where varied by this application of these procedures, whether said improvement or facilities shall become public or remain private, by either completing the improvements in advance of approval of the Final Plan or submitting irrevocable letters of credit in a form and from a financial institution acceptable to the City's legal department (or an escrow department) in an amount equal to at least 100 percent of the construction cost estimate approved by the City Engineer of said improvements and facilities at the time said improvements and facilities are scheduled to be installed according to the Planned Unit Development's staging program.
- d. Use Exceptions
The Zoning Commission may recommend and the City Council may authorize that there be allowed in part of the area of a proposed Planned Unit Development, specified uses not permitted by the use regulations of the districts in which said development is located, provided that the Zoning Commission shall find:
- 1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose and character of the Planned Unit Development.

- 2) That the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the neighborhoods surrounding the Planned Unit Development, or upon the internal character of any part of, or all of the Planned Unit Development, itself.
 - 3) Bulk Regulations: In the case of any Planned Unit Development, the Zoning Commission may recommend and the City Council may authorize exceptions to the applicable bulk regulations of this ordinance within the boundaries of such Planned Unit Development, provided that the Zoning Commission shall find:
 - 4) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots;
 - 5) That along the entire periphery of such Planned Unit Development a 25 foot wide minimum yard shall be provided. This dimension may be increased for any yard upon review of the Planned Unit Development.
- e. Designation of Permanent Common Open Space
- 1) Definition: Permanent open space shall be defined as parks, playgrounds, landscaped green space not including schools, community centers or other similar areas in public ownership or areas covered by an open space easement.
 - 2) Designation: No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped open space equivalent to the following by type of Planned Unit Development:
 - a. Planned Residential Development: 35 percent.
 - b. Planned Commercial Development: 10 percent.
 - c. Planned Office Development: 25 percent.
 - d. Planned Industrial Development: 15 percent.
- f. Finding of Facts
- In reporting its findings and recommendations on a Planned Unit Development Preliminary Plan to the City Council, the Zoning Commission will submit findings of facts upon which it has based its recommended action. These findings of fact will relate to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:
- 1) In what respects the proposed plan is or is not consistent with the stated purpose of the Planned Unit Development Regulations.
 - 2) The extent to which the proposed plan meets the requirements and standards of the Planned Unit Development Regulations.
 - 3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk, and improvements, construction and design standards and the reasons why such departures are or [are] not deemed to be in the public interest.
 - 4) The extent of public benefit produced, or not produced, by the Planned Unit Development in terms of meeting the planning objectives and standards of the City. Any specific beneficial actions, plans or programs agreed to in the Planned Unit Development proposal which are clearly beyond the minimum requirements of this ordinance shall be specifically listed as evidence of justified bulk premiums and/or use exception.
 - 5) The physical design of the proposed plan and the manner in which said design does, or does not, make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.

- 6) The reasons why the approval of proposed construction, or land uses require a planned unit development and could not be sought under other provisions of this ordinance.
- 7) The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and neighborhood.
- 8) The desirability of the proposed plan to the City's physical development, tax base and economic well-being.

(Ordinance No. 16,365, § 1, 11-25-08; Ordinance No. 16,424, § 1, 04-28-09; Ordinance No. 16,521 § 1, 01-12-10)

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 Article 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, 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.

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

- E. Accessory structures or accessory storage buildings shall comply with the stated yard requirements for accessory structures in each residential district (see 4.1.4).

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 Portable Storage Devices

Portable storage devices shall be allowed as a temporary use only and pursuant to 5.5.3L.

5.4.7 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.

5.4.8 Fences**A. Purpose Statement**

This section is intended to provide for fences in an attractive, safe and functional manner. All fences are permitted subject to the conditions as set forth below.

B. General Provisions

1. A fence may be located on a lot line, but no such fence shall protrude in full or part on adjacent property or right-of-way.
2. Fence height shall be measured from an established grade to the top most section of the fence. Where the grade forms a contour, the fence shall be required to maintain the same contour.
3. All portions of any fence 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 shall be maintained by the property owner according to all other codes of the City.
5. Fences on corner lots must observe the sight triangle requirement as set forth 8.2, Landscaping and Screening.

C. Administrative Approval Process

This process has been developed to permit fences in locations normally requiring action by the Zoning Board of Appeals to be approved by the Zoning Administrator when such fences meet established conditions as set forth in paragraph D below.

1. Initiation and application

Any person owning or having an interest in the subject property may file an application for a fence permit. Such application shall be submitted to the Zoning Administrator with proof that the fence complies with the requirements set forth for the permit.

2. Procedure

Upon receiving such application, the Zoning Administrator shall give notice to property owners within 200 linear feet on the same street or affected streets of the request for a fence permit. The Zoning Administrator shall wait ten working days before a final determination is made. When making the final determination, the Zoning Administrator shall determine its conformity with the standards below. If the standards are met, a permit can be granted by the Zoning Administrator. A final decision will be made within 30 days of receipt of a complete application for a front yard fence permit.

3. Standards

When determining if a front yard fence will be allowed, the Zoning Administrator shall consider the following:

- a. The fence does not exceed four feet in height; and,
- b. The fence shall be at least forty 40% open in design; and,
- c. The input of surrounding property owners and residents; and,
- d. The proposed fence, considering its placement, height and construction, is compatible with the surrounding neighborhood and will not diminish neighboring properties of their full use and enjoyment; and,
- e. The proposed fence will not impair safety, welfare, light, air, nor substantially diminish or impair property values within the neighborhood, nor impair natural drainage or create drainage problems on adjacent properties; and,
- f. The proposed fence shall not alter the established character of the neighborhood.

4. Appeals

The final decision made by the Zoning Administrator may be appealed to the Zoning Board of Appeals providing that timely notice of the appeal is filed by an interested party within ten days after the Zoning Administrator's decision.

5. Waivers

A two foot height waiver may be granted by the Zoning Administrator. The Zoning Administrator shall follow the administrative approval process, however, does not have to consider paragraphs 3.a or 3.b above.

D. Fences Requirements

1. Residential Districts

A fence may be erected or constructed in a residential district subsequent to compliance with all City ordinances as well as the following criteria:

a. Interior Lots

1) Front Yards

Front yard fences shall not be allowed without first receiving administrative approval.

2) Side Yards

Fences located between two principal structures on adjoining lots shall not exceed four feet in height when there is less than ten feet between the fence and both principal structures. Fences observing the above ten foot requirement shall not exceed six feet in height. There is no openness requirement. However, in no instance shall any fence be erected between two principal structures unless there is at least three feet between the fence and any principal structure.

3) Rear Yards

All fences shall not exceed six feet in height. There is no openness requirement.

4) Exceptions

Notwithstanding the above height restrictions, masonry pillars, including decorations and appurtenances, in conjunction with ornamental iron fences, cannot be more than 25% higher than the attached fence and not be wider than 24 inches.

b. Corner Lots

1) Corner Side Yards

Fences located in a corner side yard shall be set back a minimum of ten feet from the property line abutting a street and shall not exceed six feet in height. However, a fence may be placed closer to the street as long as the administrative approval process is followed.

2) Front Yards

Front yard fences shall not be allowed without first receiving administrative approval.

3) Interior Side Yards

Fences located between two principal structures on adjoining lots shall not exceed four feet in height when there is less than ten feet between the fence and both principal structures. Fences observing more than the ten foot requirement shall not exceed six feet in height. There is no openness requirement.

4) Rear Yards

All fences shall not exceed six feet in height. There is no openness requirement.

c. Through Lots

Fences on through lots shall comply with the foregoing regulations; however, if all principal structures in the 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 may be constructed as per the rear yard regulation for interior lots. In cases where all principal structures do not face the same way on the through lots in a given block, or if there is vehicular access to both streets, the administrative approval process must be followed for fences in the front and/or rear yard.

2. Commercial, Institutional, Form District, or I-1 Districts

Except as otherwise expressly permitted or required by this development code, a fence may be erected or constructed in a commercial, institutional, form, or I-1 district subsequent to compliance with all City ordinances as well as the following criteria:

a. Interior Lots

1) Front Yards

Front yard fences shall not be allowed without first receiving administrative approval.

2) Side Yards

Fences located between two principal structures shall not exceed eight feet in height. There is no openness requirement.

3) Rear Yards

All fences shall not exceed eight feet in height. There is no openness requirement.

b. Corner Lots

1) Corner Side Yards

Fences located in a corner side yard shall not be allowed without first receiving administrative approval.

2) Front Yards

Front yard fences shall not be allowed without first receiving administrative approval.

3) Side Yards

Fences located between two principal structures shall not exceed eight feet in height. There is no openness requirement.

4) Rear Yards

All fences shall not exceed eight feet in height. There is not openness requirement.

c. Through Lots

Fences on through lots shall comply with the foregoing regulations; however, if all principal structures in the same block face the same street or direction and there is not vehicular access to the street in which the principal structure does not face, a fence may be constructed as per the rear yard regulation for interior lots. In cases where all principal structures do not face the same way on the through lots in a given block, if there is vehicular access to both streets, the administrative approval process must be followed for fences in the front and/or rear yard.

3. All Other Industrial Districts

Except as otherwise expressly permitted or required by this development code, a fence may be erected or constructed in an I2 or I3 district subsequent to compliance with all City ordinances as well as the following criteria:

a. Interior Lots**1) Front Yards**

All fences shall not exceed eight feet in height. There is no openness requirement unless otherwise provided by other City of Peoria codes.

2) Side Yards

Fences located between two principal structures shall not exceed eight feet in height. There is no openness requirement.

3) Rear Yards

All fences shall not exceed eight feet in height. There is no openness requirement.

b. Corner Side Yards**1) Front Yards**

All fences shall not exceed eight feet in height. There is not openness requirement, unless otherwise provided by other City of Peoria codes.

2) Side Yards

Fences located between two principal structures shall not exceed eight feet in height. There is no openness requirements.

3) Rear Yards

All fences shall not exceed eight feet in height. There is no openness requirement.

c. Through Lots

Fences on through lots shall comply with the foregoing regulations.

5.4.9 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. Permit Required

Except as provided below, no person shall conduct a home occupation in a residence or on a residential lot without having first received a permit to do so from the Zoning Administrator. The following occupations shall not require any permit, but shall be subject to requirements governing home occupations.

1. Computer operation.
2. Instruction in music limited to no more than four students at one time. No music instruments may be amplified.
3. Sewing machine operation.
4. Telephone operation.
5. Typing.
6. Writing.

C. 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.
 - c. Construction businesses or landscaping businesses that provide the on-site storage of goods and materials 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.
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.

D. Procedure for Application and Issuance

1. Application for a home occupation permit shall be made to the Zoning Administrator on a form provided by the City. The Zoning Administrator will make a decision and notify the applicant in writing within 15 calendar days of the date the application is received.
2. In cases where the Zoning Administrator determines that the proposed home occupation will violate any of the provisions of this development code, the application will be denied.
3. All home occupation permits shall be valid for a period of three years from the initial date of approval unless sooner revoked.
4. A home occupation permit issued to one person shall not be transferable to any other person, nor shall that permit be valid at any address or home occupation other than the one appearing on the permit.
5. Home occupation applicants and permit holders shall permit a reasonable inspection of the premises by the Zoning Administrator to determine compliance with this development code.

E. Existing Home Occupations

1. Home occupation uses established legally prior to the effective date of this development code may be continued as a legal nonconforming use. Only home occupations which received a home occupation permit under the prior ordinances regulating home occupations shall be viewed as legal prior to the effective date of this development code.
2. No person shall conduct or engage in a home occupation without having been issued a permit to do so under this development code. The nonconforming use provisions of this development code shall not apply to home occupations.

F. Revocation

The Zoning Administrator may revoke a permit upon giving the owner and any interested persons who applied for the use at least ten days written notice of the grounds for revocation and the opportunity for an appeal before the Zoning Board of Appeals at which time they may present evidence bearing upon the question and cross examination of witnesses. The grounds for which a permit may be revoked are:

1. 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 his or her behalf;
2. The owner, their agent, employee, officer, tenant, licensee or occupant has violated any of the provisions of this development code or the standards required to obtain the permit, or that the property no longer complies with the standards necessary to obtain a permit; provided, however, that the Zoning Administrator shall give at least seven days prior written notice to the owner of the alleged violation or manner in which the property no longer complies with the standards with the opportunity to correct the problem during said time.

G. Appeals

Appeals from any decision of the Zoning Administrator concerning the granting or revocation of a use with administrative approval shall be to the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the foregoing standards and requirements in reviewing a decision of the Zoning Administrator. Filing of an appeal from the decision of the Zoning Administrator to revoke a permit will stay their decision pending the decision of the Zoning Board of Appeals.

5.4.10 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.

(Ordinance No. 16,419 § 1, 10-27-09; Ordinance No. 16,527 § 1, 01-26-10)

5.5 TEMPORARY USES

5.5.1 Applicability

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

5.5.2 Certificate of Zoning Compliance Required

A. Certificate Required

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

B. Basis for Certificate Denial

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

C. Conditions on Certificate

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

D. Revocation of Certificate

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

5.5.3 Permitted Temporary Uses

Subject to the specific regulations and time limits that follow, all applicable local ordinances and codes, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:

A. House, Apartment, Garage and Yard Sales

Yard sales and garage sales shall be permitted in residential districts for any period not exceeding three consecutive days. No more than three yard or garage sales shall be conducted on the same zoning lot during any twelve month period. The items offered at such sales shall be limited to the personal possessions of the owner or occupant of the lot.

B. Festivals, Sidewalk Sales, Art, Craft, Plant Shows, Exhibits, and Sales

In any commercial, form, or industrial district; provided, however, that any such use shall require the specific prior site layout approval of the Zoning Administrator (a zoning certificate) on the basis of adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact of other properties and compliance with the following conditions:

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.

3. Plant sales located within parking areas shall adhere to the following regulations:
 - a. The proprietor of the plant sale must obtain a zoning certificate with the property owner's consent.
 - b. Plant sales are allowed in parking areas that exceed the minimum required parking spaces per 8.1.6. For a maximum of 150 consecutive days per calendar year.
 - c. Plant sales structures must meet the setback requirements of the respective zoning district and must not exceed a maximum height of 14 feet.
 - d. 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.
 - e. Temporary signage for plant sales must adhere to the temporary signage requirements. With the exception that the frequency of display may be increased to one display period for a length of 150 days and shall not include any prohibited signage.

C. Christmas Tree Sales

1. Christmas tree sales shall be allowed as a temporary use within any nonresidential district providing that they have received prior approval from the Zoning Administrator and conform to the conditions set forth below. Such sales shall be 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.
2. The Zoning Administrator shall not approve any temporary use for Christmas Tree Sales unless they find 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. No such use shall be authorized for a period in excess of 45 days. The sale of other seasonal holiday items such as pumpkins and Easter lilies will be allowed as temporary uses pursuant to the procedure and conditions set forth for Christmas tree sales.

D. Demountable Temporary Structures

1. One or more demountable temporary structures may be allowed for the purpose of providing space auxiliary to the use for which the site has been zoned in the following districts subject to special use approval per Section 2.9:
 - a. Single-Family Residential Medium Density (R1)
 - b. Single-Family Residential Medium Density (R2)
 - c. Single-Family Residential Medium Density (R3)
 - d. Single-Family Residential High Density (R4)
 - e. Multi-Family Residential (R6)
 - f. Multi-Family Residential (R7)
 - g. Multi-Family Residential (R8)
 - h. Neighborhood Commercial (CN)
 - i. General Commercial (CG)
 - j. Central Business (B1)
 - k. Industrial/Business Park (I1)
 - l. Railroad/Warehouse Industrial District (I2)
 - m. General Industrial District (I3)
2. This use of a temporary demountable structure may be granted for periods of up to six months, which time may be extended by a condition or amendment to the special use.
3. Construction facilities for uses auxiliary to construction activities on construction sites for the period during which a building permit issued by the City is in force, are exempt from this requirement for a special use.

E. Contractor's Offices and Equipment Sheds

In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

F. Real Estate Offices, Including Model Units

In any district when such use is accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm. A zoning certificate shall be required prior to establishment of the use.

G. Carnivals and Circuses

A carnival and/or a circus shall be permitted in any district provided, however, that any such use shall require the specific prior site layout approval of the Zoning Administrator (a zoning certificate) on the basis of the adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten days. Such use, structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within a sight triangle.

H. Sales of Overstock, Seconds and Similar Goods in Districts Where Not a Permitted Use

In the I1, I2 and I3 districts when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:

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 of products, shall be fully enclosed.

3. Number and Duration of Sales Limited

Not more than two such temporary uses shall be conducted on the same premises in any calendar year, or more than one such sale in any calendar quarter. In each calendar year, one such sale may be for a period of not more than nine successive days which must include two weekends; the remaining sale allowed in such year shall be limited to weekend periods (Saturday, Sunday and holiday, if applicable).

4. Zoning Certificate

A zoning certificate shall be required.

I. Tents

In any district, in connection with any permitted, accessory, temporary or special permit use, a tent shall be allowed to remain for a period of no more than ten days. No more than four temporary tent sales shall be permitted within a twelve month period and seven days are required between each tent sale. Unless waived in writing by the Zoning Administrator, every tent shall comply with the bulk, yard and space requirements applicable to accessory uses pursuant to 5.4, Accessory Structures and Uses. A zoning certificate shall be required prior to establishment of the use.

J. Civic Uses of Public Property

In any commercial or form district, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided that no such use shall impose an undue adverse effect on neighboring streets or property.

K. Wheelchair Ramp

A wheelchair ramp shall be a permitted temporary use in any required yard of a residential district; however, the use shall require the specific prior site layout approval of the Zoning Administrator on the basis of minimum encroachment into the required yard(s), and safe ingress and egress from the property. Such use shall be allowed to remain for the length of residency at the subject property plus 60 days by an individual with a disability requiring the use of a wheelchair. A zoning certificate shall be required prior to establishment of the use.

L. Portable Storage Devices

Portable storage devices shall be permitted temporary use pursuant to the following regulations:

1. One portable storage device not exceeding outside dimensions of 12 feet in length, eight feet in width, and nine feet in height per zoning lot shall be permitted in all residential zoning districts for no more than seven consecutive days per calendar year provided they are placed on a driveway and meet all yard requirements of the prescribed zoning district (see also paragraph E above).
2. One portable storage device not exceeding outside dimensions of 16 feet in length, eight feet in width, and nine feet in height per zoning lot shall be permitted in all commercial and form zoning districts no more than 30 consecutive days per calendar year provided they are placed on an impervious surface and meet all bulk regulations of the prescribed zoning district. The device shall not be located in an area that hinders access to parking spaces and/or access aisles. There shall be no stacking of units and all units must be screened as required by 8.2, Landscaping and Screening (see also paragraph E above).
3. One portable storage device not exceeding outside dimensions of 16 feet in length, eight feet in width, and nine feet in height per zoning lot shall be permitted in all industrial zoning districts for no more than 60 consecutive days per calendar year provided they are placed on an impervious surface and meet all bulk regulations of the prescribed zoning district. The device shall not be located in an area that hinders access to parking spaces and/or access aisles. There shall be no stacking of units and all units must be screened as required by 8.2, Landscaping and Screening (see also paragraph E above).

5.5.4 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 Article 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 Article 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.

3. 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.

Principal Uses	Accessory Uses	Uses Not Included
Single-Family Two-Family Townhouse Apartment Upper Story Residential Live-Work	Dish antenna under 1 meter Home occupation (see 5.4.9) Detached garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Raising of pets Residential leasing office <u>Surface Parking</u>	Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging) Halfway house (see Social Service Institutions) Boarding house, elderly housing, assisted living facility Fraternity, sorority, family care facility, group care facility, nursing home (see Group Living)

(Ordinance No. 16,445, § 1, 06-24-09)

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.

Principal Uses	Accessory Uses	Uses Not Included
Boarding house, rooming house Children's home Congregate housing Elderly housing, assisted living facility Fraternity, sorority, student dormitory Family care facility Group care facility Monastery, convent Nursing home, full-time convalescent, hospice, life care center	Associated office Food preparation or dining area Recreational facility	Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging) Halfway house (see Social Service Institutions) Seminary (see Educational Facility)

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.

Principal Uses	Accessory Uses	Uses Not Included
Neighborhood arts center or similar facility (public) Museum, library Philanthropic institution Police, fire, EMS substation,	Associated office Food preparation or dining area Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area	Athletic, tennis, swim or health club (see Retail Sales and Service) Church, mosque, synagogue, temple (see Place of Worship) Counseling in an office setting (see Office) Detention center, jail, prison (see Light Industrial) Lodge, membership club (see Indoor Recreation) Park (see Park/Open Area) Alcohol abuse, drug rehabilitation, halfway house, rehabilitative clinic (see Social Service Institution) Family care facility, group care facility, nursing home (see Group Living)

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.

Principal Uses	Accessory Uses	Uses Not Included
Child care home (up to 8) Day care center (8+) Drop-in child care center Intermediate childcare Nursery school, preschool	Associated office Food preparation or dining area Health, arts and crafts, and therapy area Indoor or outdoor recreation facility	Counseling in an office setting (see Office) 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)

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.

Principal Uses	Accessory Uses	Uses Not Included
Academy (special training) College, community college, university Job training, vocational rehabilitation service Seminary School, public or private (K-12) School, medical, vocational, business Trade school, no heavy equipment or truck operators	Associated office Auditorium, theater Before- and after-school day care Dormitory, housing for students or faculty Food preparation or dining area Health facility Laboratory, library, museum Janitorial facility Meeting area Play area, recreational or sports facility Research, noncommercial, scientific, educational Student center or club Student unions and faculty centers Support commercial (college-operated bookstore, for example)	Dance, art, martial arts, music or photographic studio or classroom (see Retail Sales and Service) Nursery school, preschool (see Day Care) Trade school, heavy equipment, truck operators (see Light Industrial)

D. Medical Facility

Uses providing medical or surgical care to patients. Some uses may offer overnight care.

Principal Uses	Accessory Uses	Uses Not Included
Ambulatory surgery center, outpatient clinic Blood plasma donation center Health care service Hospital, medical center Medical, dental laboratory Medical, dental clinic, rehabilitative clinic Medical, dental office, chiropractor	Associated helicopter landing facility Associated office Chapel, ancillary worship space On-site day care where children are cared for while parents or guardians are occupied on the premises Food preparation or dining area Housing for staff or trainees Limited retail sales (internal) Janitorial facility Meeting area Nursing or medical school Pharmacy Recreational facility Research, noncommercial, scientific, educational Teaching facility Temporary housing for relatives of patients	Rehabilitative clinic, psychiatric institution, sanatorium (see Social Service Institution) Pharmacy, urgent care or emergency medical office (see Retail Sales and Service)

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.

Principal Uses	Accessory Uses	Uses Not Included
Botanical garden, nature preserve, recreational trail Cemetery, mausoleum, columbarium, memorial park including pet cemetery, burial grounds Game preserve, wildlife management area, refuge, animal sanctuary Park Recreation field Reservoir, control structure, drainage well, water supply water well	Campground (public park only) Concession Dock or pier (noncommercial) Maintenance facility Play equipment Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground (private), golf course, country club, clubhouse, batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation) Crematorium (see Light Industrial) Athletic field (see Outdoor Recreation)

F. Passenger Terminal

Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

Principal Uses	Accessory Uses	Uses Not Included
Airport, heliport Bus passenger terminal, taxi dispatch center, train passenger terminal, limousine service Charter service	Associated office Concession Food preparation or dining area Freight handling area Fueling facility Janitorial facility Limited retail sales (internal) Maintenance facility Park-and-ride facility	Freight, distribution facility, parcel service (see Warehouse and Distribution) Helicopter landing facility accessory to another use (see Agriculture, Medical Facility)

G. Place of Worship

Places of assembly that provide meeting areas for religious practice.

Principal Uses	Accessory Uses	Uses Not Included
Church, mosque, synagogue, temple, chapel		

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.

Principal Uses	Accessory Uses	Uses Not Included
Alcohol abuse treatment Drug rehabilitation treatment Halfway house Psychiatric institution Sanatorium Social service institution, soup kitchen, transient lodging or shelter for the homeless Single room occupancy (SROs)	Adult educational facility Associated office Food preparation or dining area Meeting room On-site day care where children are cared for while parents or guardians are occupied on the premises Staff residences located on-site	Boarding house, elderly housing, assisted living facility Fraternity, sorority, family care facility, group care facility, nursing home (see Group Living) Detention center, jail, prison (see Light Industrial) School, public or private, K-12 (see Educational Facility)

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).

Principal Uses	Accessory Uses	Uses Not Included
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 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 Wireless communication facility	Control, monitoring, data or transmission equipment Storage	Landfill (see Waste-Related Service) Utility office, radio, TV, recording studio (see Office) Reservoir, control structure, drainage well, water supply water well (see Parks an Open Area)

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.

Principal Uses	Accessory Uses	Uses Not Included
Auditorium, arena, stadium, indoor Athletic, tennis, swim or health club Ballroom, dancehall Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden Convention center Gymnastic facility, indoor sports academy Lodge, membership club Indoor entertainment activity such as pool hall, billiard hall, bowling alley, amusement arcade, swimming pool Indoor shooting range Physical education center Movie or other theater Skating rink	Associated office Concession Food preparation or dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use	Community recreational facility, non-profit (see Community Service) Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation)

(Ordinance No. 16,521, § 1, 01-12-10)

B. Office

Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.

Principal Uses	Accessory Uses	Uses Not Included
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 Detective agency Financial services such as lender, investment or brokerage house, Call center Counseling in an office setting Government office Radio, TV or recording studio Utility office	Ancillary storage Food preparation or dining area Health facility Janitorial facility Meeting room On-site day care where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Limited retail sales (internal) Technical library	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) Bulk mailing service (see Light Industrial) Mail-order house (see Wholesale Trade) Medical, dental office or chiropractor (see Medical Facility) Research, testing, and development laboratory (Light Industrial) Urgent care or emergency medical office (see Retail Sales and Service)

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.

Principal Uses	Accessory Uses	Uses Not Included
Amusement parks Arena, stadium, outdoor Auditorium, arena, stadium, outdoor, Athletic field, track Drive-in theater Campground, travel trailer park, recreational vehicle park Commercial amphitheater Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility Golf course, tennis, country club, clubhouse Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park Horse stable, riding academy Outdoor shooting range Sports academy for active recreational or competitive sports Outdoor movie viewing	Associated office Caretaker or security person housing Classroom Clubhouse Concession Food preparation or dining area Jogging, hiking, fitness and other types of trails Limited retail sales (internal) Maintenance facility On-site day care where children are cared for while parents or guardians are occupied on the premises Pro shop or sales of goods related to the on-site activities of the specific use	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve, recreational trail, park, recreation field (see Parks and Open Area) Indoor entertainment activity such as pool hall, bowling alley, game arcade (see Indoor Recreation)

D. Overnight Lodging

Accommodations arranged for short term stays of less than 30 days for rent or lease.

Principal Uses	Accessory Uses	Uses Not Included
Hotel, motel, inn, extended-stay facility, bed and breakfast, youth hostel	Associated office Bar, tavern, cocktail Lounge, nightclub, restaurant with entertainment Food preparation or dining area Laundry facility Meeting facility Restaurant Swimming pool, other recreational facility	Boarding house, rooming house (see Group Living) Campground (private), travel trailer park, recreational vehicle park (see Outdoor Recreation) Convention center (see Indoor Recreation)

E. Parking

Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.

Principal Uses	Accessory Uses	Uses Not Included
Mixed parking lot (partially accessory to a principal use, partly to rent for others), short- and long-term fee parking facility Park-and-ride facility Parking lot, surface Parking lot, garage	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Distribution) Sale or servicing of vehicles (see Vehicle Sales and Service)

F. Restaurant

Establishments that prepare and sell food for on- or off-premise consumption.

Principal Uses	Accessory Uses	Uses Not Included
Cafeteria Delicatessen 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	Associated office Deck, patio for outdoor seating or dining Drive-through facility	Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden (see Indoor Recreation) Catering establishment (see Retail Sales and Service or Light Industrial)

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.

Principal Uses	Accessory Uses	Uses Not Included
Sales-Oriented 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 Auction room, auction house, art or photo studio, gallery Butcher, baker, pawnshop Convenience store with gas pumps, gas station Convenience store without gas pumps Greenhouse or nursery, commercial, garden center, outdoor retail sales, flea market, farmers market, vehicle parts and accessories Wholesale club Service-Oriented Bank, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care, dance, martial arts, music studio or classroom Catering establishment, small-scale Cleaning establishment, small-scale <u>Convenience Cash Businesses</u> Dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station Funeral home or mortuary, undertaking establishment Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop Photocopy, blueprint, package shipping and quick-sign service, printing and publishing Photoengraving, post office, travel, ticket agency Security service, taxidermist Tattoo shop, palmist, psychic, medium, massage parlor Urgent care or emergency medical office Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer, seamstress Gunsmith, locksmith	Associated office Automatic one bay car wash facility Drive-thru facility Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods	Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden (see Indoor Entertainment) Catering establishment (see Retail Sales and Service or Light Industrial) Crematorium (see Light Industrial) Drop-in child care center (see Day Care) Full- or self-service vehicle wash (see Vehicle Sales and Service) Indoor entertainment activity such as pool hall, bowling alley, game arcade (see Indoor Recreation) Laundry or dry-cleaning plant (see Light Industrial) Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation) 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) Vehicle sales, repair or service (see Vehicle Sales and Service) Wholesale of food, clothing, auto parts, building hardware, wholesale display, wholesale establishment (see Wholesale Trade)

(Ordinance No. 16,365, § 1, 11-25-08)

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.

Principal Uses	Accessory Uses	Uses Not Included
Warehouse, self-service, mini-storage Warehouse, self-service, fully enclosed indoor multi-story storage	Associated office Storage of boats and campers Caretaker or security person unit	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) 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) Recycling facility including recyclable material storage, including construction material (see Waste-Related Services) Rental of light or medium trucks (see Vehicle Sales and Service)

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.

Principal Uses	Accessory Uses	Uses Not Included
Full- or self-service vehicle wash Manufactured housing sales 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. 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 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	Associated office Sale of parts Single-bay, automatic car wash Towing Vehicle fueling Vehicle storage	Earth moving and heavy construction and transportation equipment (see Heavy Industrial) Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture) Vehicle parts sale as a principal use (see Retail Sales and Service)

J. Water-Oriented

Uses that require direct access to navigable waters.

Principal Uses	Accessory Uses	Uses Not Included
Boat livery Dock or pier (commercial) Dry storage of boats Ferry/water taxi Marina Wet storage of boats (commercial)	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 Repair and maintenance of boats and boat motors On-shore restaurants Small boat hauling or launching facility	Water park (see Outdoor Recreation)

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.

Principal Uses	Accessory Uses	Uses Not Included
Mail-order house 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 Wholesale of food, clothing, auto parts, building hardware Wholesale display Wholesale establishment	Associated office Food preparation or dining area Minor fabrication services On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods Warehouse	Earth moving and heavy construction and transportation equipment (see Heavy Industrial) Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture) Vehicle parts sale as a principal use (see Retail Sales and Service)

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.

Principal Uses	Accessory Uses	Uses Not Included
Armory, brewery, winery, bottling plant, bulk mailing service, catering establishment, large-scale, movie production facility Clothing, textile or apparel manufacturing, boot and shoe manufacturing, garment factory 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 Crematorium, detention center, jail, prison Laundry, dry-cleaning, and carpet cleaning plants, cleaning establishment, large-scale, diaper service, linen supply Leather and leather products except tanning and finishing, felt and fiber articles 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 Repair of scientific or professional instruments, electric motors, electrical and refrigeration equipment, research, testing, and development laboratory Stone, clay, concrete products Storage area used for manufacturing Trade school, heavy equipment, truck operators Welding, machine, tool repair shop, sheet metal shop, tool, die, and gauge manufacturing, metal stamping Woodworking, including cabinet makers and furniture manufacturing, lumberyard and wood products	Accessory medical clinic Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site	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) Recycling facility including recyclable material storage, including construction material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Distribution) 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) Small-scale catering establishments (see Retail Sales and Service)

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.

Principal Uses	Accessory Uses	Uses Not Included
Freight, distribution facility, parcel service 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 Bus barn Cartage and express facility Postal distribution facility Commercial packing for fruits and vegetables Drop yard Outdoor storage yard Railroad switching yard, freight terminal, piggyback yard 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 Truck or motor freight terminal, service facility Warehouse, distribution facility	Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Warehouse, self-service, mini-storage Warehouse, indoor multi-story (see Self-Service Storage) Solid or liquid waste transfer station (see Waste-Related Service)

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.

Principal Uses	Accessory Uses	Uses Not Included
Asbestos and radioactive materials products 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 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 Bulk storage of flammable liquids Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products Commercial feed lot Concrete batching and asphalt processing and manufacture, batch plant Earth moving and heavy construction equipment and transportation equipment Explosives Gypsum manufacture, linoleum manufacturing Fabricated metal products and machinery Foundry, forge plant Impound lot, wrecker service includes city wreckers, auto storage, automobile dismantlers and recyclers, wrecking, junk or salvage yard Leather and leather products includes tanning and finishing Petroleum, liquefied petroleum gas and coal products and refining Primary metal manufacturing, electroplating, graphite Pulp mills Rubber and plastic products, rubber manufacturing Scrap metal processors Sawmill, pulp mill Secondary materials dealers Tire recapping Tobacco products Transportation equipment	Associated office Food preparation or dining area Product repair Repackaging of goods Warehouse, storage Residential Unit for Security purposes (single unit)	Animal waste processing (see Waste-Related Service) 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) Recycling facility including recyclable material storage, including construction material (see Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)

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.

Principal Uses	Accessory Uses	Uses Not Included
Animal waste processing Garbage or refuse collection service (office and truck fleet) Landfill, sanitary Landfill, construction Manufacture and production of goods from composting organic material Recycling facility including recyclable material storage, including construction material Recycling drop-off facility Solid or liquid waste transfer station	Associated office On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)

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.

Principal Uses	Accessory Uses	Uses Not Included
Aviary Commercial fishing 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 Crop, soil preparation, agricultural services, large animal and veterinary services Farm labor and management services Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Fish hatcheries and preserves Floriculture Grain, fruit, field crop and vegetable cultivation and storage Hunting, trapping and game propagation Livestock, horse, dairy, poultry and egg products Livestock auction Milk processing plant Packing house for fruits or vegetables, orchards Poultry slaughtering and dressing Retail or wholesale sales of agriculturally-related supplies and equipment Timber tracts, forest nursery gathering of forest products	Aircraft landing field or helicopter landing facility (private) Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Dish antenna under 1 meter Dock or pier (noncommercial) Housing for ranch or farm labor, including manufactured homes Sale of agricultural products U-pick facilities	Animal waste processing (see Waste-Related Service) 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) Botanical garden, nature preserve, recreational trail, game preserve, wildlife management area, refuge, animal sanctuary (see Parks and Open Area) 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) Greenhouse or nursery, commercial, garden center (see Retail Sales and Service) Horse stable, riding academy (see Outdoor Recreation)

B. Resource Extraction

Characterized by uses that extract minerals and other solids and liquids from land.

Principal Uses	Accessory Uses	Uses Not Included
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	Associated offices Equipment storage Resource processing	Concrete batching and asphalt processing and manufacture, batch plant (see Heavy Industrial) Recycling facility including recyclable material storage, including construction material, solid or liquid waste transfer station (see Waste-Related Service)

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 Article 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

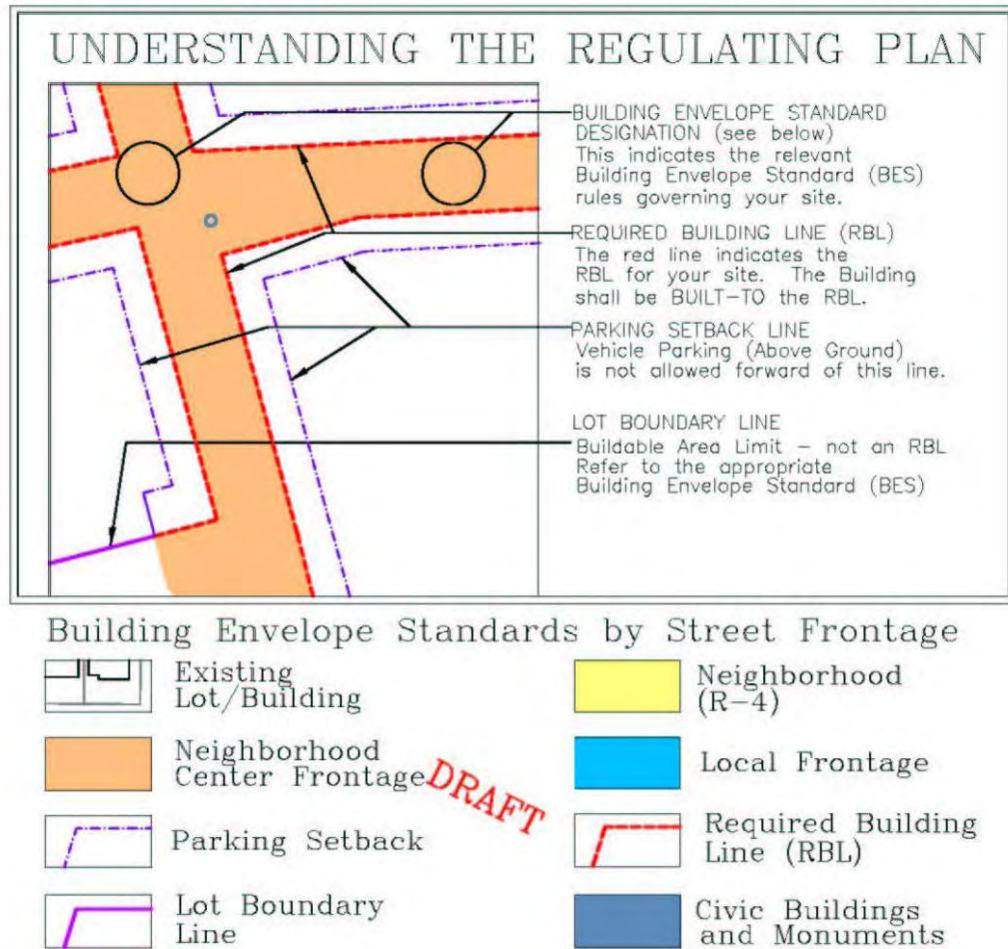
Wherever there appears to be a conflict between this Article and other requirements of this development code, the requirements specifically set forth in this Article shall prevail. For development standards not covered in this Article, additional standards may also apply.

6.1.4 Components of this Article

The Article 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 Department of Planning and Growth Management.



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 Article 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 Department of Planning and Growth Management). 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 on pages 6-5, 6-10, 6-15, & 6-24).
- 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.

(Ordinance No. 16,348, § 1, 10-28-08; Ordinance No. 16,521, § 1, 01-12-10)

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,

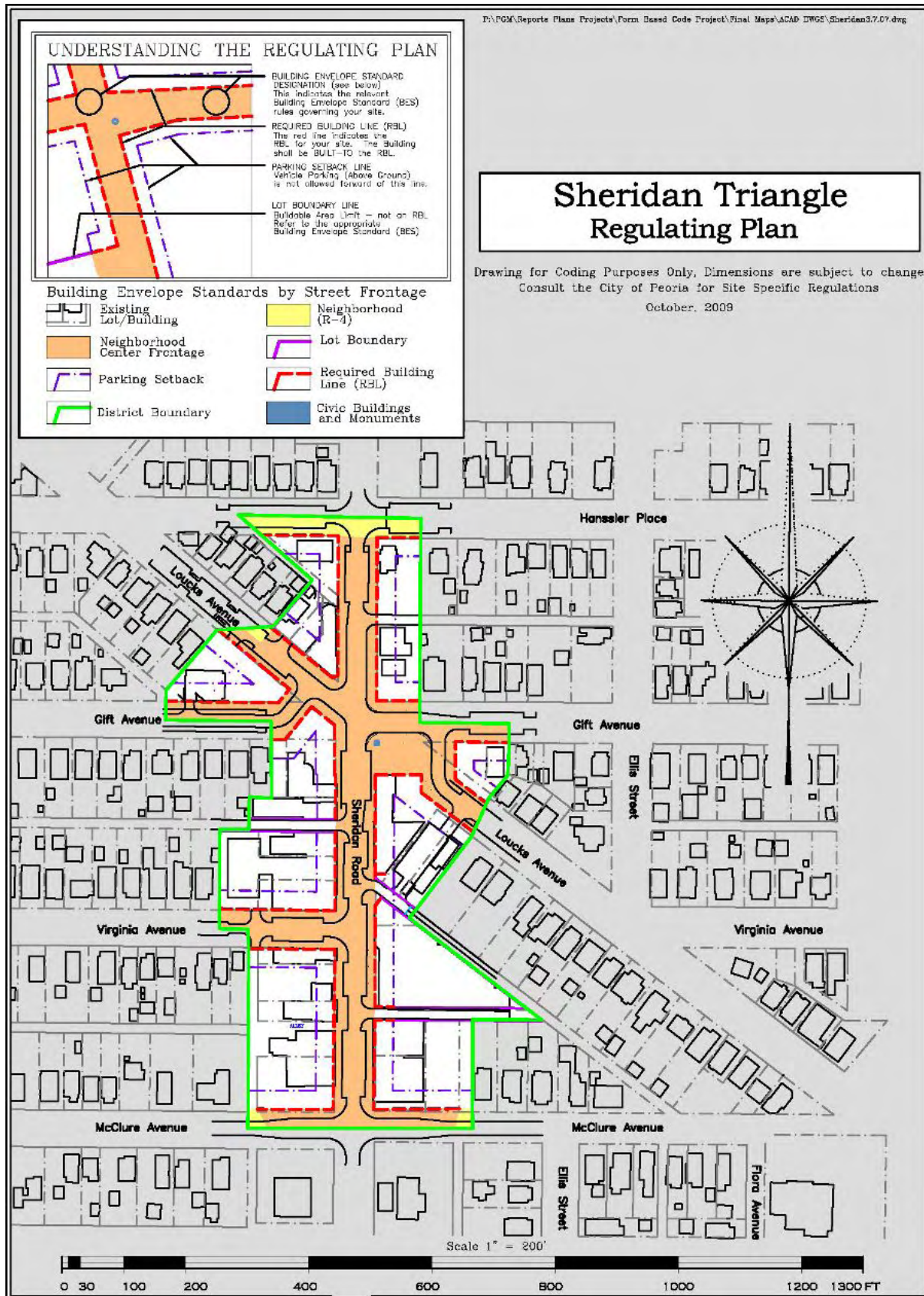
or street-space. Individual lots with less than 99 feet of frontage are exempt from the requirement to interrupt the block face; those with over 250 feet of frontage shall meet the requirement within their lot, unless already satisfied within that block face.

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:
 - 1) Sodding and providing routine landscape maintenance to the area.
 - 2) Keeping the area clear of debris, stored materials, and vehicles.

B. Buildings

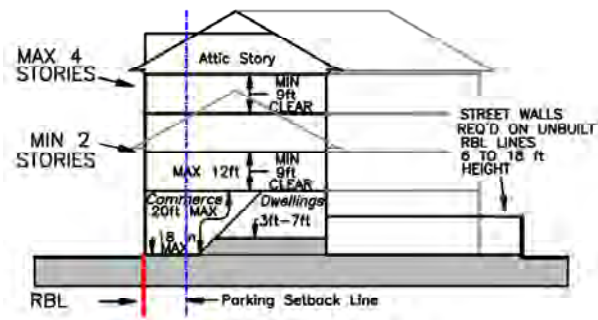
1. The maximum building floor-plate (footprint) is 50,000 square feet; beyond that limit a special use permit is necessary.
2. For each block face, buildings along the required building line shall present a complete and discrete vertical façade composition (i.e., a new façade design) at an average street 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



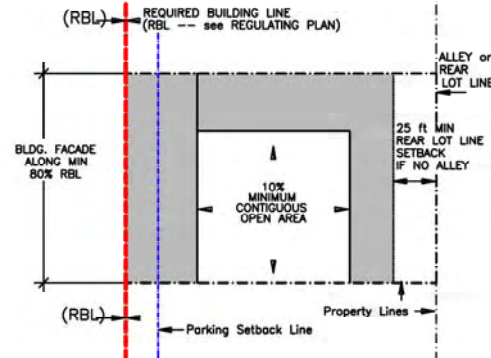
A. Sheridan Triangle - Neighborhood Center

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.
 - 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. **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. **Street Wall Height**
 - 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.
 - 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.
8. **Other**
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.

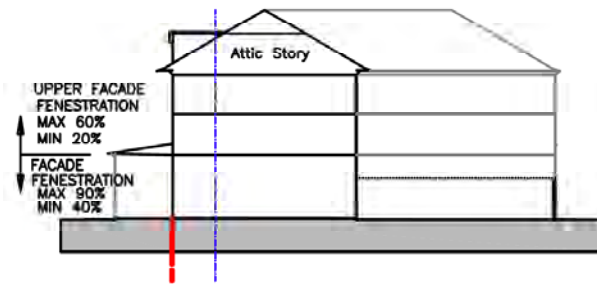
SITING



9. **Street Facade**
 - 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 setback 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.
 - b. Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.
 - c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.
 - d. These requirements are not applicable to on-street parking.
 - e. The parking setback line shall be 30 feet from the designated required building line.
13. **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.
14. **Corner Lots**
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.
15. **Unbuilt Required Building Line and Common Lot Line Treatment**
 - 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.
 - b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.
 - 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.

B. Sheridan Triangle - Neighborhood Center

ELEMENTS

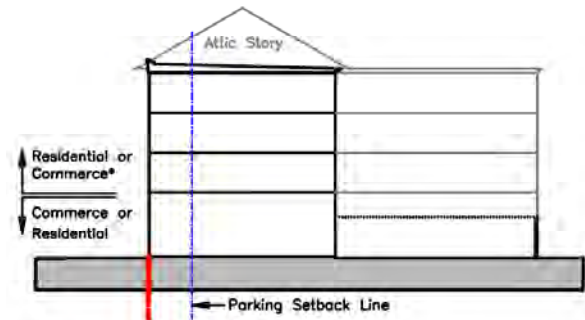


1. **Windows and Doors**
 - a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.
 - b. Windows and Doors on the ground story facades shall comprise at least 40%, but not more than 90%, of the facade area (measured as a percentage of the facade between floor levels).
 - 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 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 facade 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**

Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 60 linear feet.
4. **Street Walls**

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.

USE

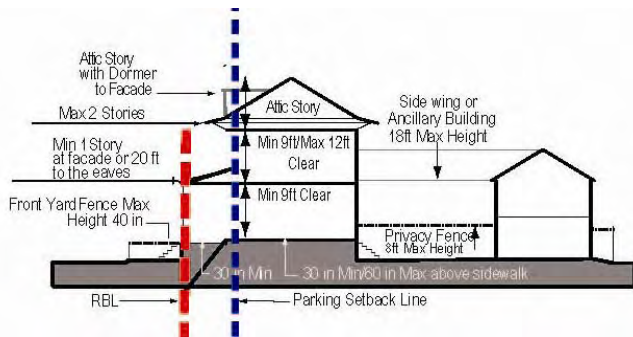


5. **Ground Story**

The ground story shall house commerce or residential uses. See Height specifications above for specific requirements unique to each use.
6. **Upper Stories**
 - 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.
 - b. No commerce use is permitted above a residential use.
 - c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
7. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
 - c. Use Standards as stated in Section 5.3 shall be applicable.

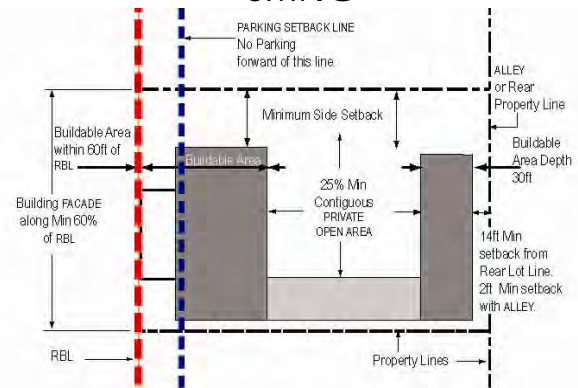
C. Sheridan Triangle – R-4

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.
 - 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 Facade**
 - 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.
 - b. The front porch shall be built to the RBL.
 - c. Within 20 feet of a block corner, the building façade shall be 8 to 10 feet behind the RBL.
6. **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 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.
 - c. No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.
7. **Side Lot Setbacks**

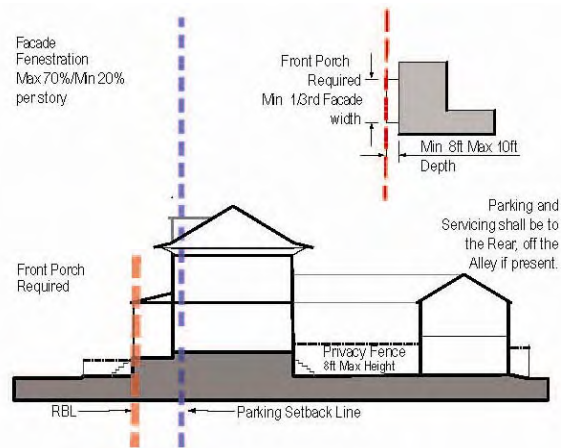
The minimum side lot setback is 15 feet total, with a minimum of 5 feet per side, or as otherwise designated on the regulating plan.
8. **Garage and Parking**
 - a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.
 - b. Private garage entries shall not be located on the RBL/facade.
 - c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.
 - d. These requirements are not applicable to on-street parking.
 - e. The parking setback line shall be 30 feet from the designated required building line.
9. **Alleys**

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.
10. **Corner Lots**

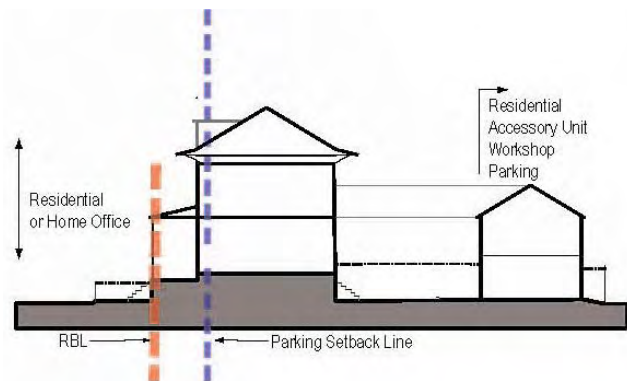
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

D. Sheridan Triangle – R-4

ELEMENTS



USE



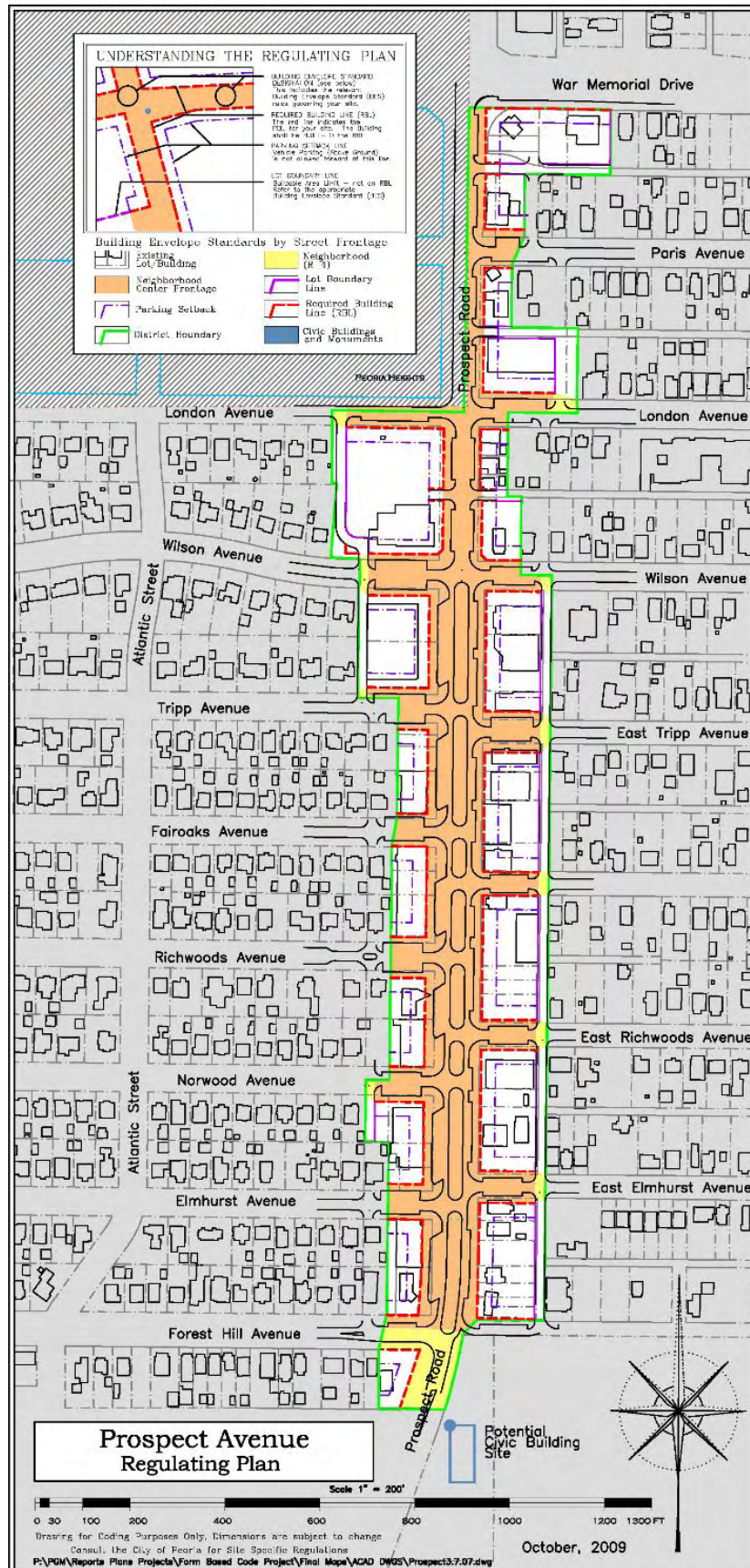
1. **Windows and Doors**
 - a. Blank lengths of wall exceeding 15 linear feet are prohibited on all required building lines.
 - b. Windows and Doors on the ground story facades shall comprise at least 20%, but not more than 70%, of the facade area (measured as a percentage of the facade between floor 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 facade 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 facades 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.
5. **Ground Story**

The ground story shall house residential or home office uses.
6. **Upper Stories**
 - a. The upper stories shall house residential or home office uses.
 - b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
7. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Conversion of primary structure single-family units for multiple-family use is prohibited.
 - c. Use Standards as stated in Section 5.3 shall be applicable.
8. **Accessory Uses**
 - a. Parking and accessory unit (maximum 650 square feet) are permitted in the buildable area at the rear of the lot.

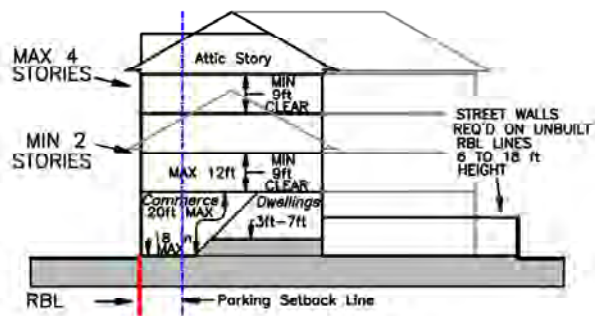
(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,521, § 1, 01-12-10)

6.3 PROSPECT ROAD



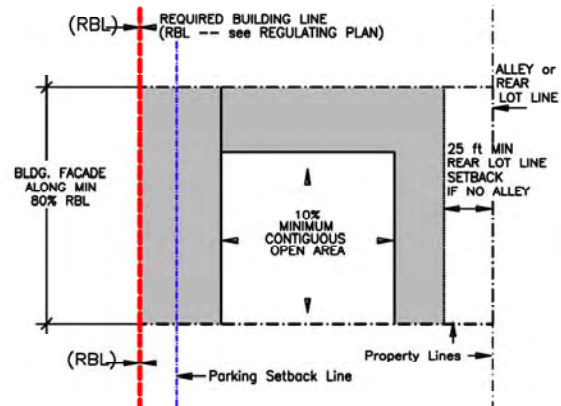
A. Prospect Road - Neighborhood Center

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.
 - 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. **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. **Street Wall Height**
 - 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.
 - 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.
8. **Other**
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.

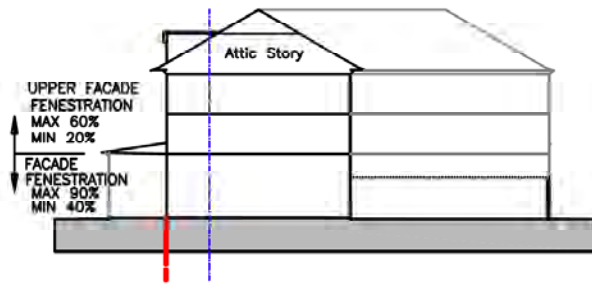
SITING



9. **Street Facade**
 - a. On each lot the building façade shall be built to the required building line for at least eighty 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 setback 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.
 - b. Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.
 - c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.
 - d. These requirements are not applicable to on-street parking.
 - e. The parking setback line shall be 30 feet from the designated required building line.
13. **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.
14. **Corner Lots**
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.
15. **Unbuilt Required Building Line and Common Lot Line Treatment**
 - 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.
 - b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.
 - 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.

B. Prospect Road - Neighborhood Center

ELEMENTS

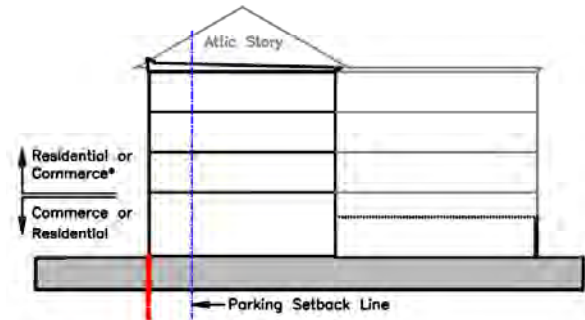


1. **Windows and Doors**
 - a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.
 - b. Windows and Doors on the ground story facades shall comprise at least 40%, but not more than 90%, of the facade area situated between 2 and 10 feet above the adjacent public 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 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 facade 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**

Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 60 linear feet.
4. **Street Walls**

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.

USE

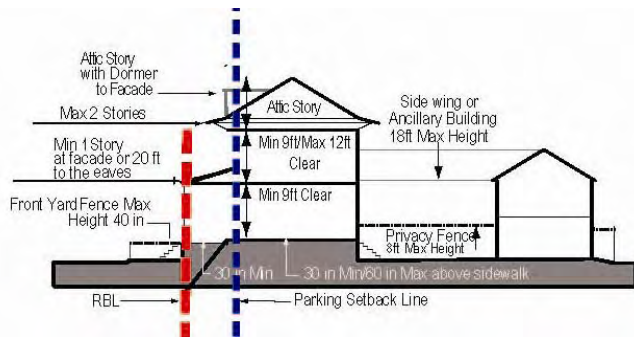


5. **Ground Story**

The ground story shall house commerce or residential uses. See Height specifications above for specific requirements unique to each use.
6. **Upper Stories**
 - 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.
 - b. No commerce use is permitted above a residential use.
 - c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
7. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
 - c. Use Standards as stated in Section 5.3 shall be applicable.

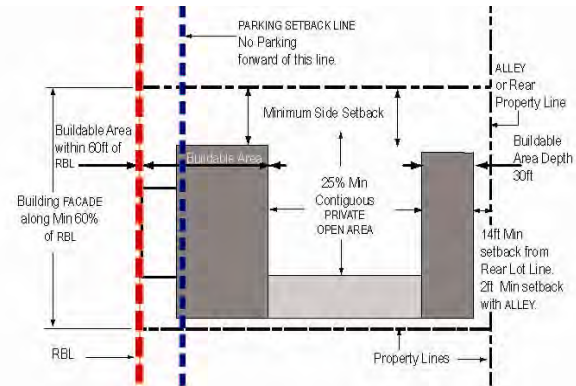
C. Prospect Road – R-4

HEIGHT



1. **Building Height**
 - c. The height of the principal building is measured in stories.
 - d. Each principal building shall be no greater than 2 stories in height, except as otherwise provided on the Regulating Plan.
 - e. 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.
 - 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 Facade**
 - 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.
 - b. The front porch shall be built to the RBL.
 - c. Within 20 feet of a block corner, the building façade shall be 8 to 10 feet behind the RBL.
6. **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 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.
 - c. No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.
7. **Side Lot Setbacks**

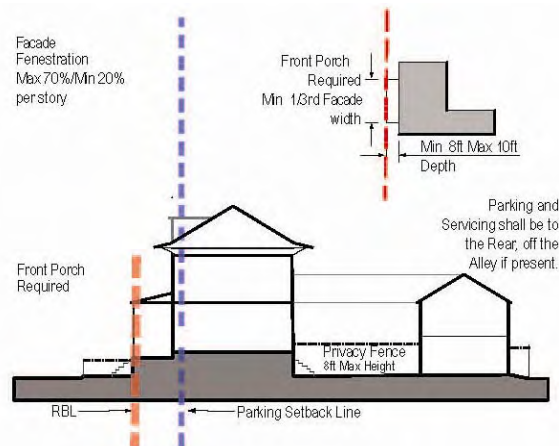
The minimum side lot setback is 15 feet total, with a minimum of 5 feet per side, or as otherwise designated on the regulating plan.
8. **Garage and Parking**
 - a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.
 - b. Private garage entries shall not be located on the RBL/facade.
 - c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.
 - d. These requirements are not applicable to on-street parking.
 - e. The parking setback line shall be 30 feet from the designated required building line.
9. **Alleys**

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.
10. **Corner Lots**

Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

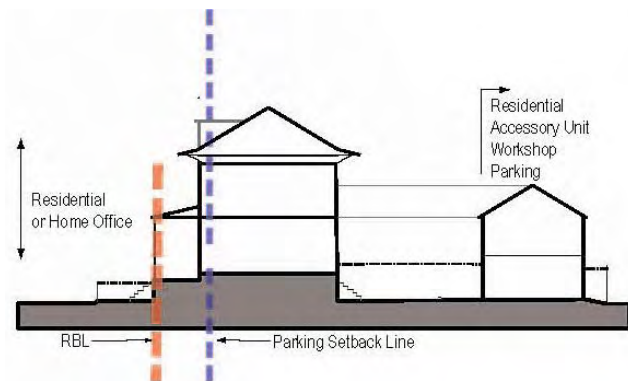
D. Prospect Road – R-4

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 the ground story facades shall comprise at least 20%, but not more than 70%, of the facade area (measured as a percentage of the facade 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 facade 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 facades 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.

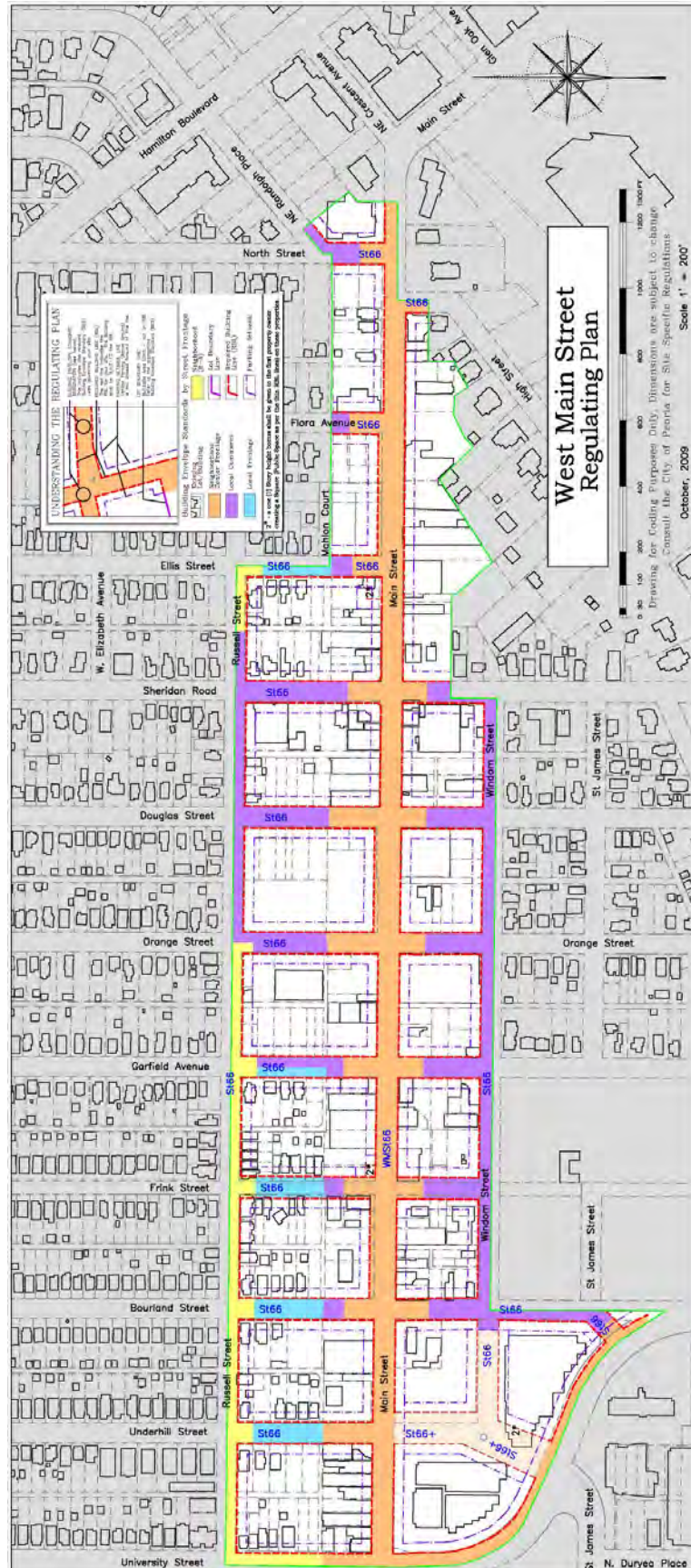
USE



5. **Ground Story**
The ground story shall house residential or home office uses.
6. **Upper Stories**
 - a. The upper stories shall house residential or home office uses.
 - b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
7. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Conversion of primary structure single-family units for multiple-family use is prohibited.
 - c. Use Standards as stated in Section 5.3 shall be applicable.
8. **Accessory Uses**
 - a. Parking and accessory unit (maximum 650 square feet) are permitted in the buildable area at the rear of the lot.

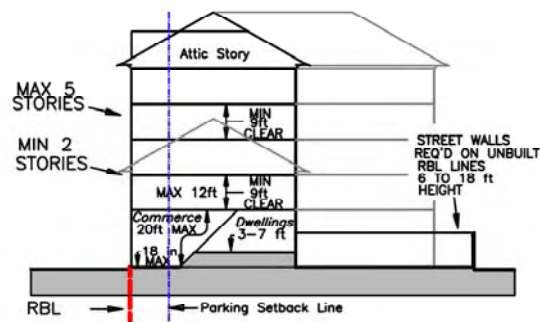
(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,521, § 1, 01-12-10)

6.4 WEST MAIN

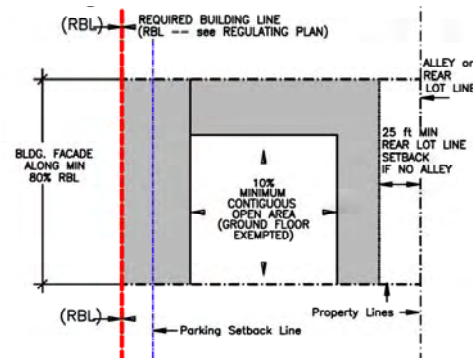


A. West Main - Neighborhood Center

HEIGHT



SITING



1. Building Height

- The height of the principal building is measured in stories.
- 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.
- 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

- 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.
- 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.
- The maximum story height for the ground story is 20 feet.

4. 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 required building line.
- 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. Upper Story Height

- The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
- At least eighty 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. Street Wall Height

- 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.
- 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.

8. Other

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.

9. Street Façade

- On each lot the building façade shall be built to the required building line for at least eighty 80% of the required building line (RBL) length.
- 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.
- 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

- Buildings may occupy the portion of the lot specified by these building envelope standards.
- A contiguous open area equal to at least ten 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.
- No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.

11. Side Lot Setbacks

There are no side lot setbacks except: 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 setback at least 10 feet from the shared lot line.

12. 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, unless otherwise designated on the regulating plan.
- Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 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.
- The parking setback line shall be 30 feet from the designated required building line.

13. 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.

14. Corner Lots

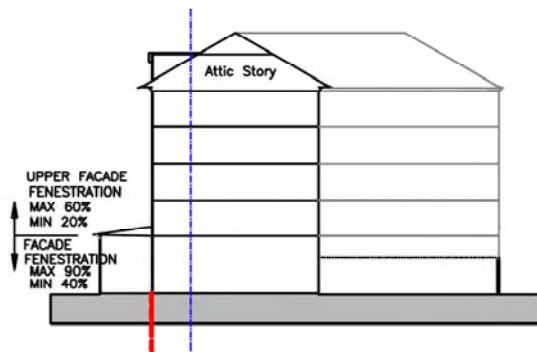
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

15. Unbuilt Required Building Line and Common Lot Line Treatment

- 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.
- Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.
- 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.

B. West Main - Neighborhood Center

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 ninety 90%, of the facade (measured as a percentage of the facade between floor levels).
- Windows and Doors on the upper story facades shall comprise at least twenty 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 by the code, shall encroach beyond the required building line.
- 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.)
- Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet.
- 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 awning columns/posts.

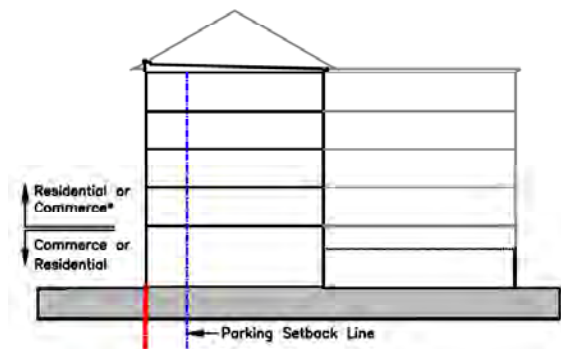
3. Doors/Entries

At least one functioning entry door(s) shall be provided along the ground story facade of each building and at intervals not greater than 60 linear feet.

4. Street Walls

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.

USE



5. Ground Story

The ground story shall house commerce or residential uses. See height specifications above for specific requirements unique to each use.

6. Upper Stories

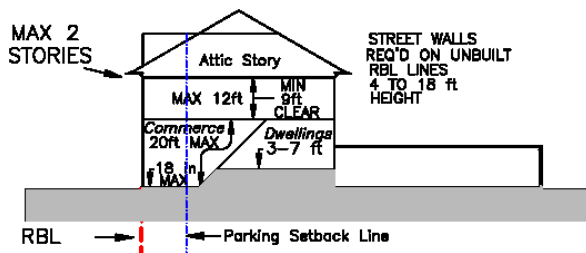
- The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
- No commerce use is permitted above a residential use.
- Additional habitable space is permitted within the roof where the roof is configured as an attic story.

7. Permitted Uses

- Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
- Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
- Use Standards as stated in Section 5.3 shall be applicable.

C. West Main – Local Commerce

HEIGHT



1. Building Height

- The height of the principal building is measured in stories.
- 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
- 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

- 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.
- 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.
- The maximum story height for the ground story is 20 feet.

4. 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 required building line.
- 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.

5. Upper Stories Height

The maximum floor-to-floor story height for upper stories is 12 feet. At least 80% of each upper story shall have an interior floor to ceiling height 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 a full story.

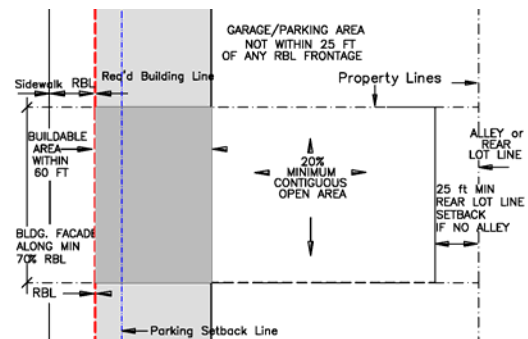
7. Street Wall and Fence Height

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.

8. Other

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.

SITING



9. Street Facade

- On each lot the building façade shall be built to the required building line for at least 70% of the required building line length.
- The building façade shall be built to the required building line within 30 feet of a block corner.
- 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.

10. Buildable Area

- Buildings may occupy the portion of the lot specified by these building envelope standards.
- 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.
- No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.
- Parking/garage is permitted in the buildable area at the rear of the lot.

11. Side Lot Setbacks

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.

12. 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, unless otherwise designated on the regulating plan.
- 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.
- These requirements are not applicable to on-street parking.
- The parking setback line shall be 30 feet from the designated required building line.

13. 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.

14. Corner Lots

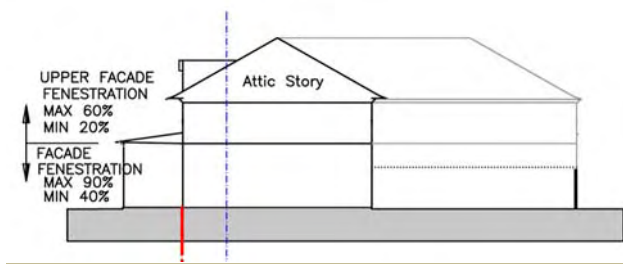
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

15. Frontage Widths

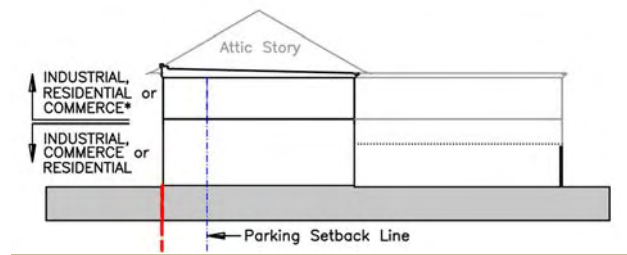
The minimum lot width is 18 feet. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 100 feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.

D. West Main – Local Commerce

ELEMENTS



USE



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 twenty 20%, but not more than 80%, of the facade area (measured as a percentage of the facade between floor levels).
- Windows 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 by the Code, shall encroach beyond the required building line.
- 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.)
- 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 awning.
 - Provide for a continuous public access easement at least 6 feet wide running adjacent and parallel to the awning columns/posts

3. Doors/Entries

- Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 75 linear feet
- Each ground story unit shall have direct access to the street.

4. Street Walls

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.

5. Ground Story

The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.

6. Upper Stories

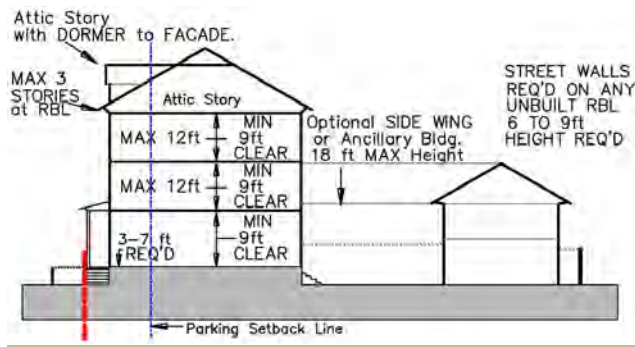
- The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
- No commerce or industrial use is permitted above a residential use.
- Additional habitable space is permitted within the roof where the roof is configured as an attic story.

7. Permitted Uses

- Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
- Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
- Industrial uses shall be considered to encompass all of the Industrial use categories except the heavy industrial and waste-related services, as defined in Article 5.6.
- Use Standards as stated in Section 5.3 shall be applicable.

E. West Main - Local

HEIGHT



1. Building Height

- The height of the principal building is measured in stories.
- 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
- 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

- 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.
- 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

- The maximum floor-to-floor story height for upper stories is 12 feet.
- At least 80% of each upper story shall have an interior floor to ceiling height 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 a full story.

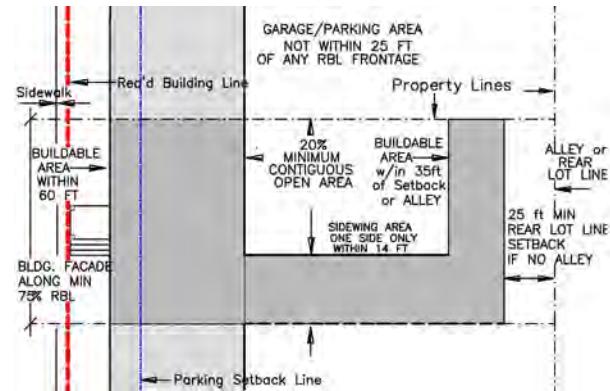
6. Street Wall and Fence Height

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.

7. Other

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.

SITING



8. Street Facade

- 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.
- The front porch or stoop shall be built to the RBL.
- The building facade or front porch shall be built to the RBL within 20 feet of a block corner.

9. Buildable Area

- Buildings may occupy the portion of the lot specified by these building envelope standards.
- 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.
- No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.
- Parking is permitted in the buildable area at the rear of the lot.

10. Side Lot Setbacks

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.

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, unless otherwise designated on the regulating plan.
- 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.
- These requirements are not applicable to on-street parking.
- The parking setback line shall be 30 feet from the designated required building line.

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. Corner Lots

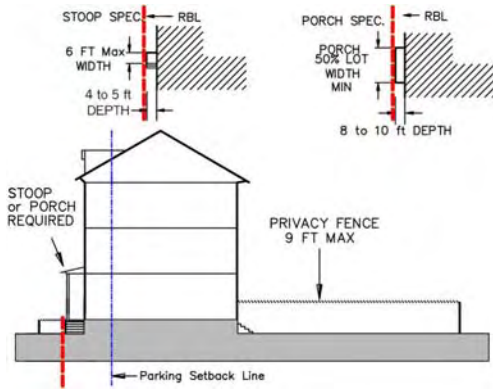
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

14. Frontage Widths

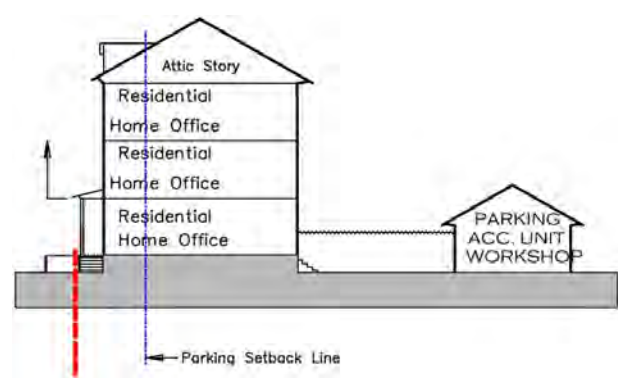
The minimum lot width is 18 feet. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 130 feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.

F. West Main - Local

ELEMENTS



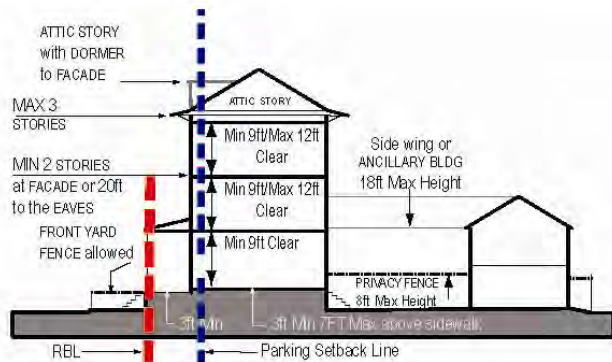
USE



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 facade 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.
 - b. Windows and Doors on all required building line facades shall comprise at least 30%, but no more than sixty 60%, of the facade area per story (measured as a percentage of the facade between floor levels).
3. **Building Projections**
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.
4. **Doors/Entries**
 - a. Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 75 linear feet.
 - b. Each ground/first floor residential unit shall have direct access to the street.
 - c. Each lot shall have a functioning entry door on the required building line façade.
5. **Fences/Garden Walls**
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.
6. **Ground Story**
The ground story shall house residential and home office uses.
7. **Upper Stories**
 - a. The upper stories shall house residential and home office uses.
 - b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
8. **Accessory Unit**
 - a. One English basement unit or one accessory unit is permitted per lot. Conversion of primary structure single-family units for multifamily use is prohibited.
 - b. Parking and accessory unit (maximum 650 square feet) uses are permitted in the buildable area at the rear of the lot.
9. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Home Office: For the purposes of the Form Districts, a home office shall be considered to be a home occupation. 5.4.9.
 - c. Use Standards as stated in Section 5.3 shall be applicable.

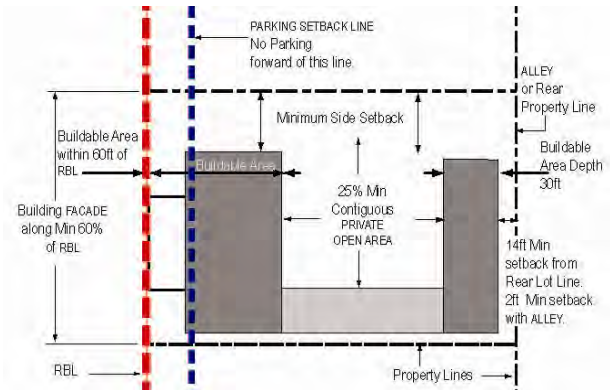
G. West Main – R-4

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.

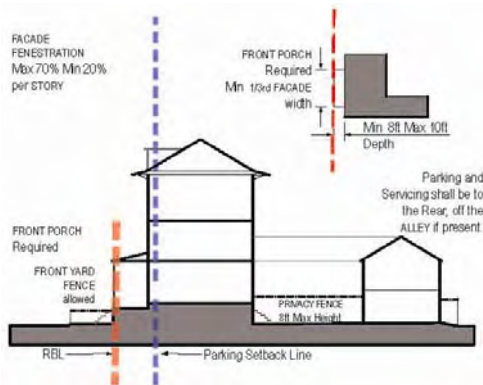
SITING



5. **Street Facade**
 - 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.
 - b. The front porch shall be built to the RBL.
 - c. Within 20 feet of a block corner, the building façade shall be 8 to 10 feet behind the RBL.
6. **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 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.
 - c. No part of any building, except overhanging eaves, awnings, steps, or balconies shall occupy the remaining lot area.
7. **Side Lot Setbacks**
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.
8. **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.
 - b. Private garage entries shall not be located on the RBL/facade.
 - c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.
 - d. These requirements are not applicable to on-street parking.
 - e. The parking setback line shall be 30 feet from the designated required building line.
9. **Alleys**
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.
10. **Corner Lots**
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

H. West Main – R-4

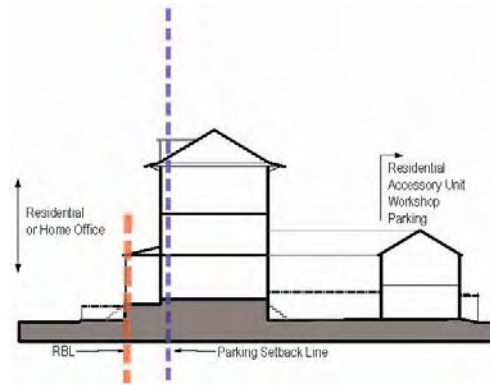
ELEMENTS



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 facades shall comprise at least 20%, but not more than 70%, of the facade area (measured as a percentage of the facade 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 facade 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 facade 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. **Ground Story**

The ground story shall house residential or home office uses.
6. **Upper Stories**
 - a. The upper stories shall house residential or home office uses.
 - b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
7. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Conversion of primary structure single-family units for multiple-family use is prohibited.
 - c. Use Standards as stated in Section 5.3 shall be applicable.
8. **Accessory Uses**
 - a. Parking and accessory unit (maximum 650 square feet) are permitted in the buildable area at the rear of the lot.

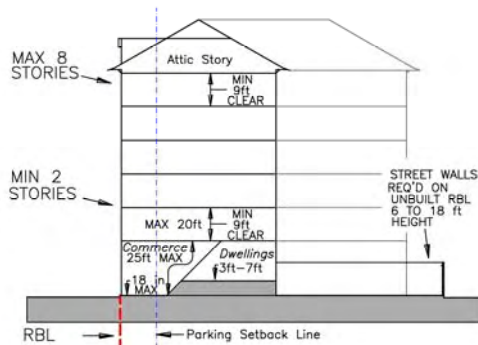
(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,302, § 1, 07-08-08; Ordinance No. 16,396, § 1, 02-24-09; Ordinance No. 16,521, § 1, 01-12-10)

6.5 WAREHOUSE DISTRICT



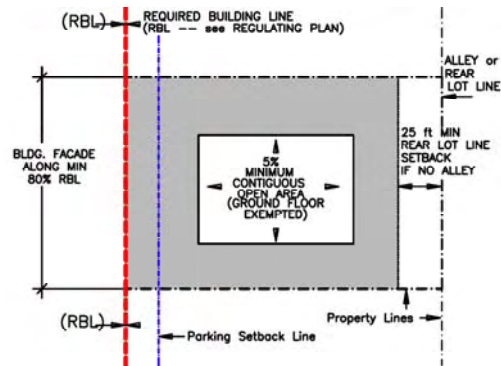
A. Warehouse District – General

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 maximum 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.
 - 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.
5. **Upper Story Height**
 - a. The maximum floor-to-floor story height for stories other than the ground story is 20 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. **Street Wall Height**
 - 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.
 - 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.

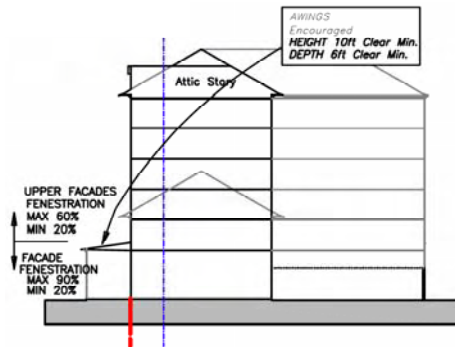
SITING



8. **Street Facade**
 - 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.
9. **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 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.
 - c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.
10. **Side Lot Setbacks**
There are no required side lot setbacks.
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, unless otherwise designated on the regulating plan.
 - b. Garage Entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.
 - c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.
 - d. These requirements are not applicable to on-street parking.
 - e. The parking setback line shall be 30 feet from the designated required building line.
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. **Corner Lots**
Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.
14. **Unbuilt Required Building Line and Common Lot Line Treatment**
 - 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.
 - b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.

B. Warehouse District – General

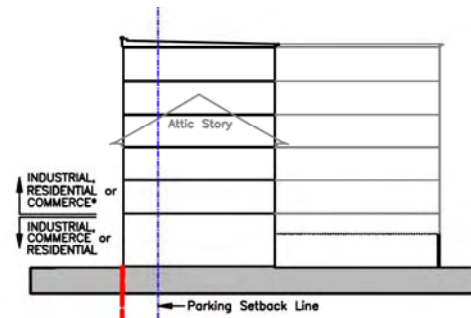
ELEMENTS



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 facades shall comprise at least 20%, but not more than 90%, of the facade area (measured as a percentage of the facade between floor levels).
 - 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 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 facade 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 facades at intervals not greater than 75 linear feet
 - b. Each ground story residential unit shall have direct access to the street-space.
4. **Street Walls**

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.

USE

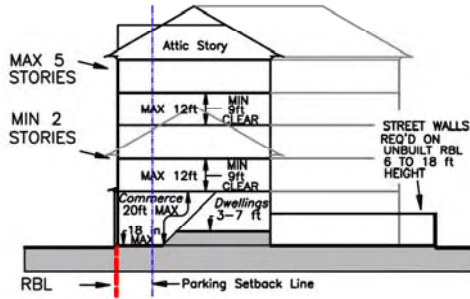


5. **Ground Story**

The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.
6. **Upper Stories**
 - 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.
 - b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
7. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
 - 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 Article 5.6.
 - d. Use Standards as stated in Section 5.3 shall be applicable.

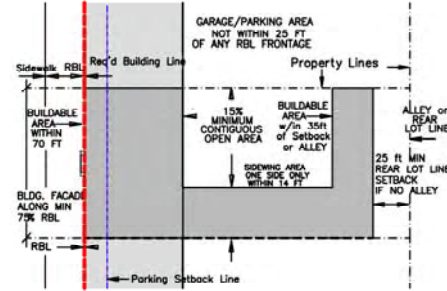
C. Warehouse District - Local

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 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. **Upper Story Height**
 - a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
 - b. At least eighty 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. **Street Wall Height**
 - 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.
 - 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.
8. **Other**
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.

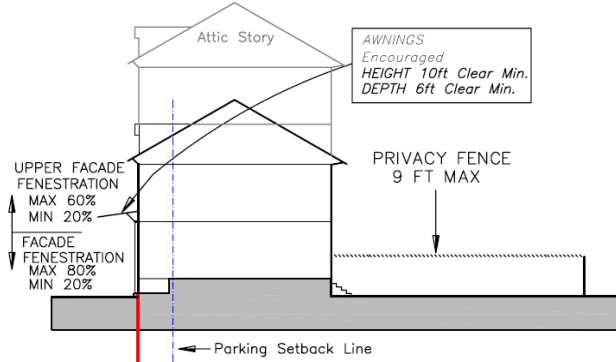
SITING



9. **Street Facade**
 - a. 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.
 - b. 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.)
 - 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 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.
 - c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.
11. **Side Lot Setbacks**
There are no required side lot setbacks.
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.
 - b. Garage entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.
 - 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.
 - d. These requirements are not applicable to on-street parking.
 - e. The parking setback line shall be 30 feet from the designated required building line.
13. **Alleys**
 - 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.
14. **Corner Lots**
 - a. Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.
15. **Frontage Widths**
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.
16. **Unbuilt Required Building Line and Common Lot Line Treatment**
 - 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.
 - b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.

D. Warehouse District - Local

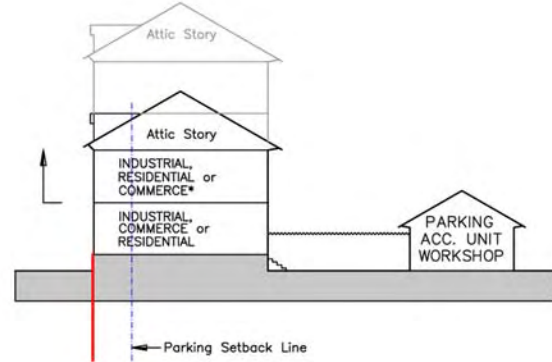
ELEMENTS



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 facades shall comprise at least twenty 20%, but not more than 80%, of the facade area (measured as a percentage of the facade between floor levels).
 - 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 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 facade 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 facades at intervals not greater than 75 linear feet
 - b. Each ground story unit shall have direct access to the street.
4. **Street Walls**

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.

USE



5. **Ground Story**

The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.
6. **Upper Stories**
 - 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.
 - b. No commerce or industrial use is permitted above a residential use.
 - c. Additional habitable space is permitted within the roof where the roof is configured as an attic story.
7. **Permitted Uses**
 - a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Article 5.6.
 - b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Article 5.6.
 - c. Industrial uses shall be considered to encompass all of the Industrial use categories except waste-related services and animal processing, as defined in Article 5.6.
 - d. Use Standards as stated in Section 5.3 shall be applicable.

(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,521, § 1, 01-12-10)

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 Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 Site Plan 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 facade 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 facade; 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 facade 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 facade, whichever is greater) is permitted for a section of the parapet emphasizing the building's primary street-space entry or a block corner.

(Ordinance No. 16,521, § 1, 01-12-10)

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 6.6.1G 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 6.6.1H.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 6.6.1H.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 6.6.9B

(Ordinance No. 16,521, § 1, 01-12-10)

6.6.3 Facades

A. Principle

Building facades shall reflect the Form District's patterns of the surrounding context and provide interest for the pedestrian. Building facades 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.

1. Primary Materials (75% of facade or greater):
 - a. Brick and tile masonry (or synthetic equivalent).
 - b. Native stone (or synthetic equivalent).
 - c. Hardie-Plank™ equivalent or better siding.
 - d. Stucco (cementitious finish).
2. Accent Materials (no greater than 5% of facade):
 - a. Pre-cast masonry (for trim and cornice elements only).
 - b. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only).
 - c. Metal (for beams, lintels, trim elements and ornamentation only).
 - d. Split-faced block (only for piers, foundation walls and chimneys).
3. See Also Section 6.6.1G. for equivalent or better material approval for Primary and Accent Materials.

C. Standards

1. Cornice lines, stringcourses, and other architectural elements shall create a recognizable base, middle, and top to buildings.
2. Facade openings shall not span vertically more than one story, nor shall the horizontal opening measurement exceed the vertical opening measurement. Facade 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 facades 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 6.1.6B.2. for facade 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.

(Ordinance No. 16,521, § 1, 01-12-10)

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 facade 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 6.6.1G. 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.

(Ordinance No. 16,521, § 1, 01-12-10)

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 facade.

(Ordinance No. 16,521, § 1, 01-12-10)

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 facades shall be as carefully designed as the building facade, 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 8.2.15C. for refuse area requirements.

(Ordinance No. 16,521, § 1, 01-12-10)

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 6.6.1G. 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.

Ordinance No. 16,521, § 1, 01-12-10)

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 this ordinance, 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 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 Section 17.15 of Peoria City Code, Appendix B.
- 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. Reserved.
- q. 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 sidewalk easel signs are permitted within the dooryard area. They may also be considered a permitted obstruction to the sidewalk or right-of-way, with prior approval from the City.
- f. Temporary signs are permitted as defined in Appendix B, Article 17.10.c.(2), except for window signs as defined in Article 17.10.c.(2)g.

2. Awnings/Overhangs

When an awning or overhang is incorporated into a building, the following requirements must be met:

- a. Minimum 10 feet clear height above sidewalk, minimum 6 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 Article, 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 and not project more than four feet from the façade. 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.

(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,521, § 1, 01-12-10)

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.

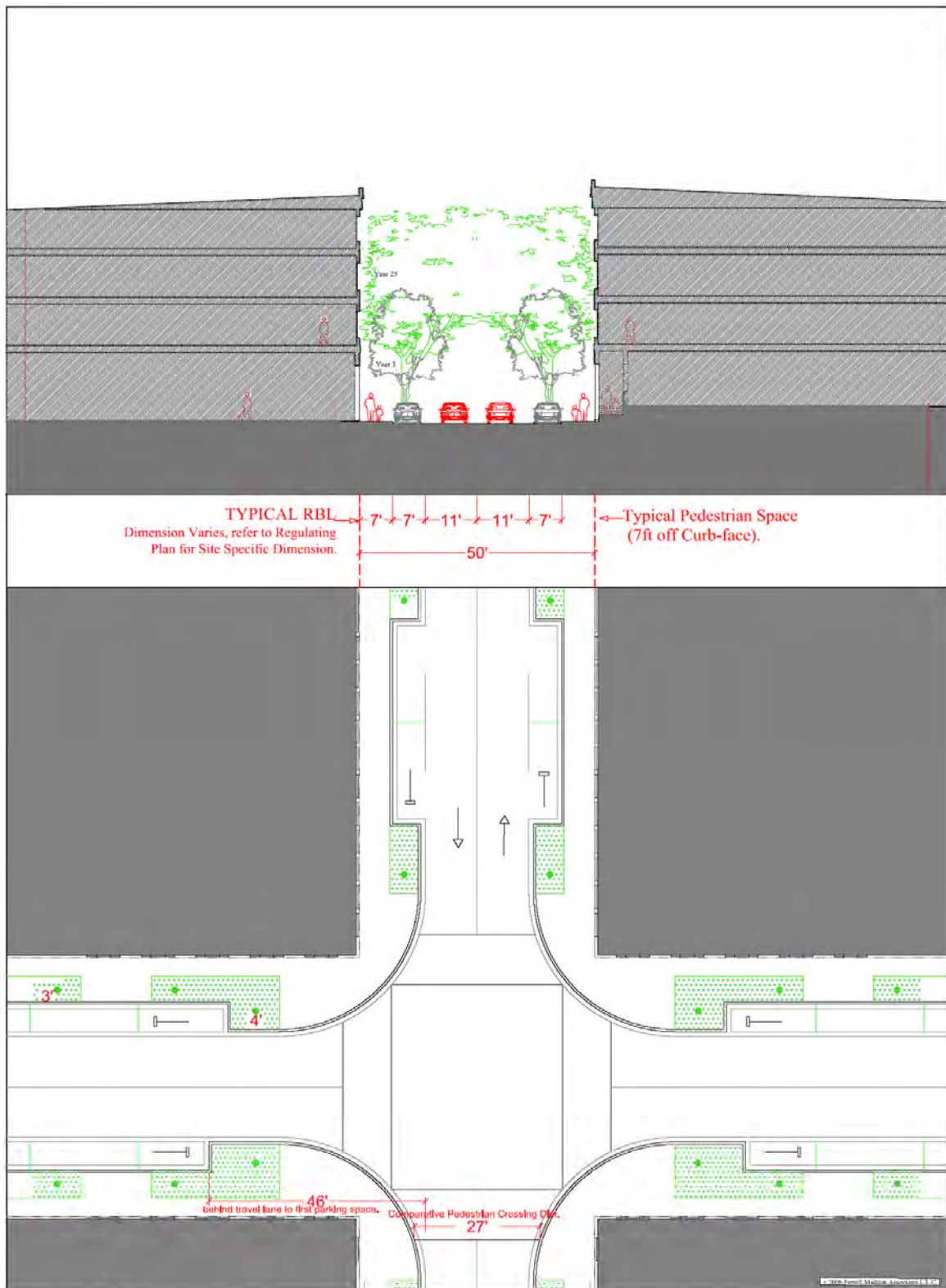
6.7 STREET SPECIFICATIONS

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.

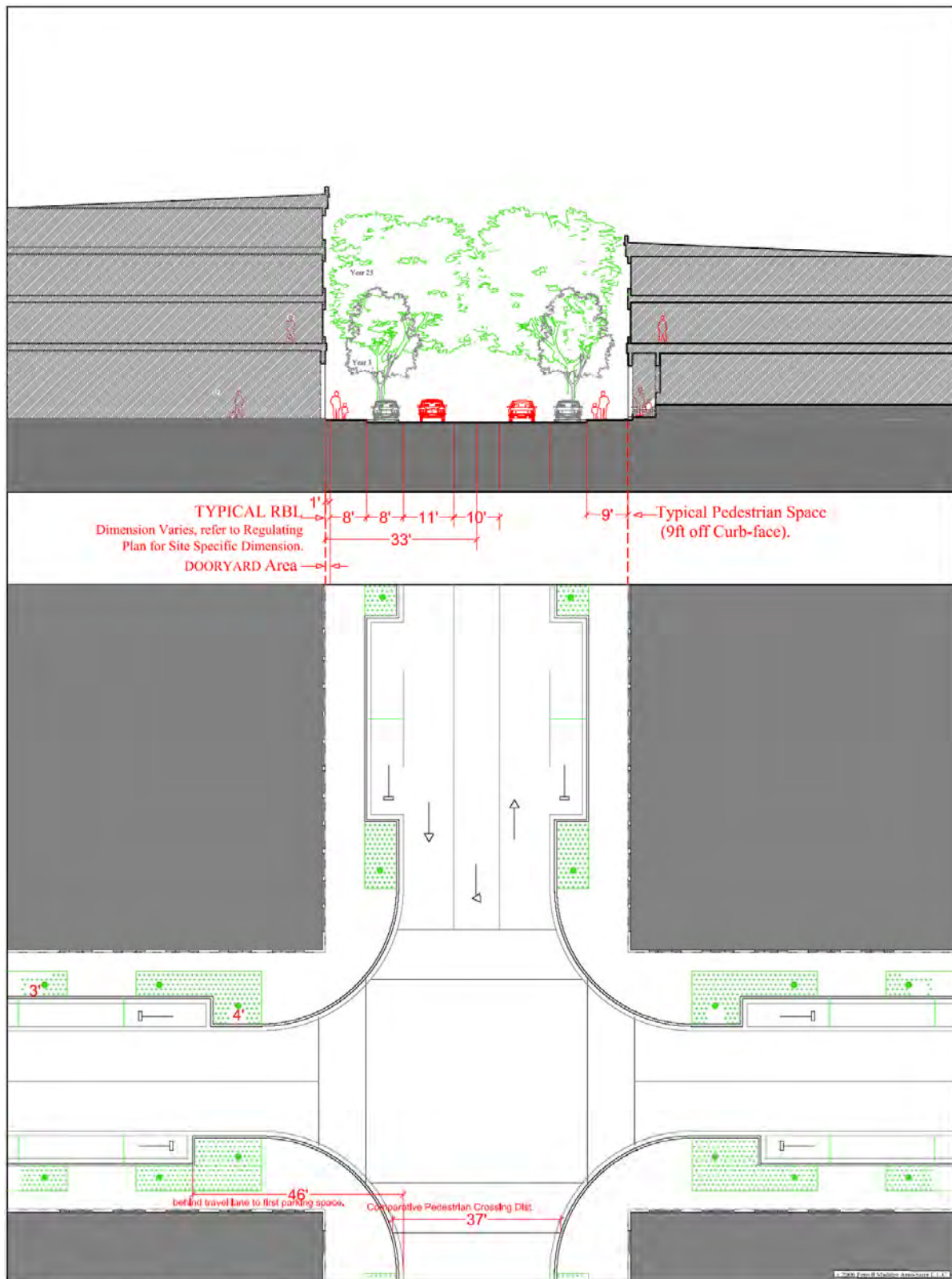


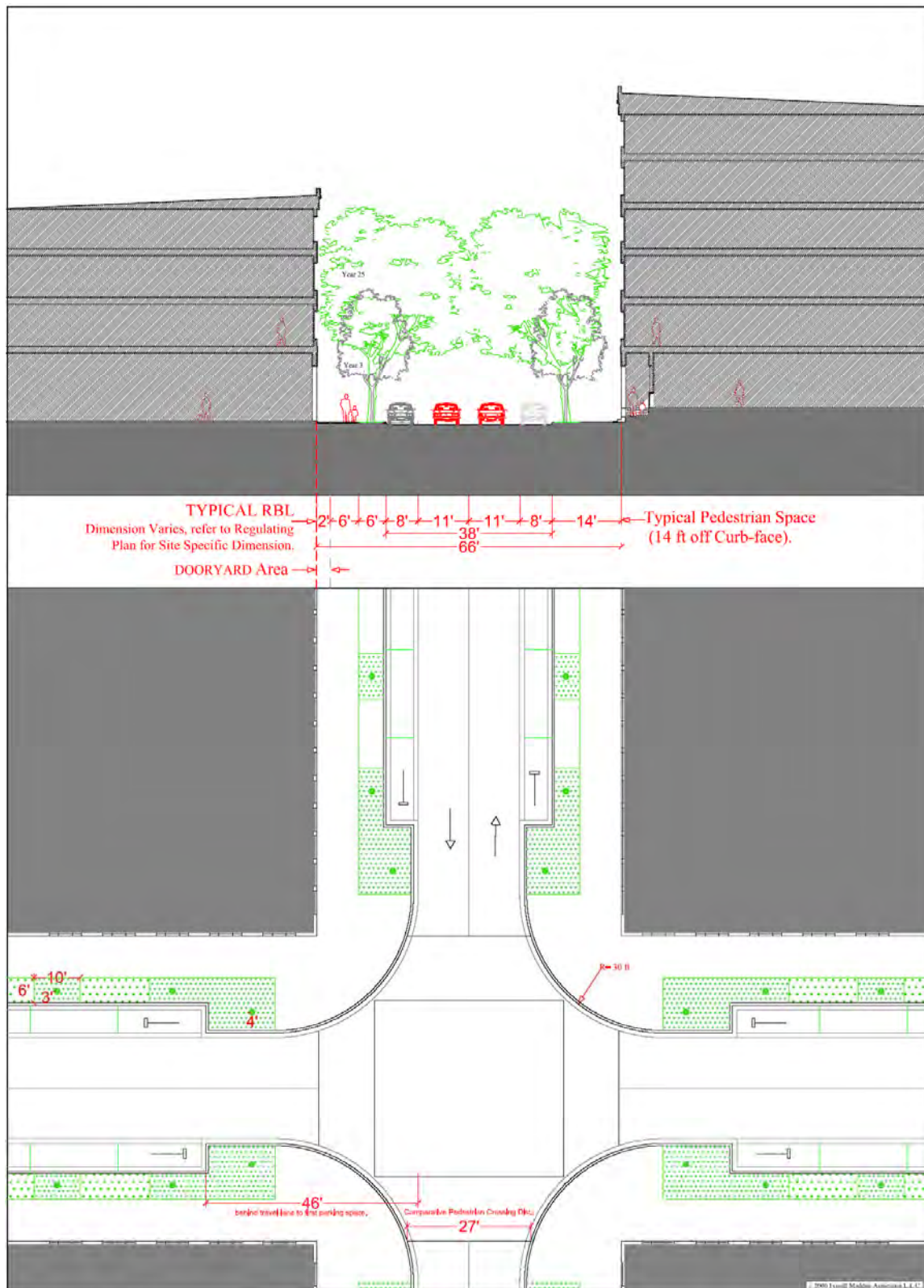
Lane 50

STREETSPACE: 50 feet. Sidewalks: 7 ft. Travel Lanes: 2 @ 11 feet. Dedicated Parking/Street Tree Lanes: 7 feet. Tree Planters: 6.5 x 14 feet.

Comparative Pedestrian Crossing Distance 27 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.

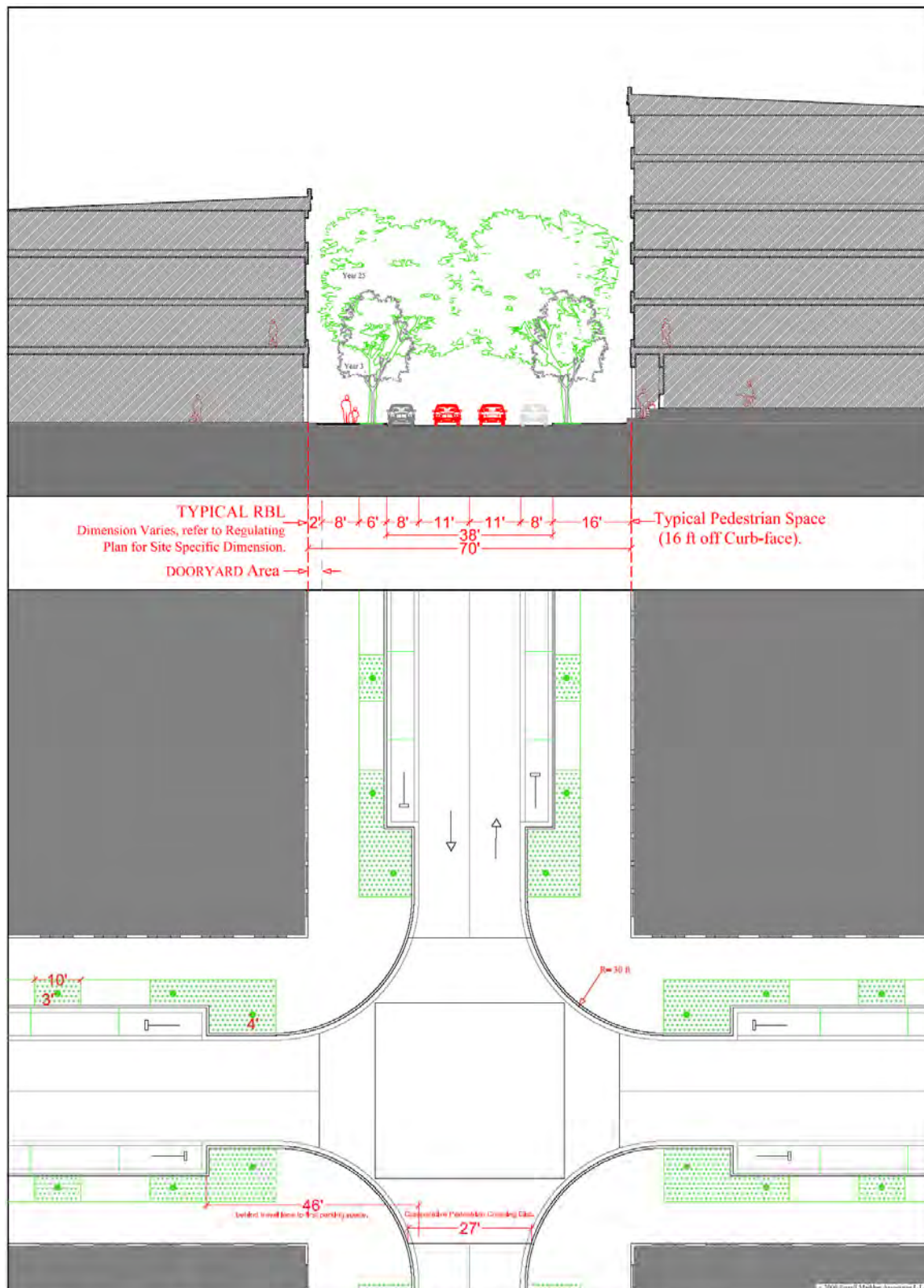




Street 66

STREETSPACE: 66 feet. **Sidewalks:** 14 ft (6 feet tree, 6 feet clear, 2ft DOORYARD). **Travel Lanes:** 2 @ 11 feet. **Dedicated Parking Lanes:** 7 feet. **Tree Planters:** 6 x 10 feet open area, connected trench. **Comparative Pedestrian Crossing Distance** 27 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.



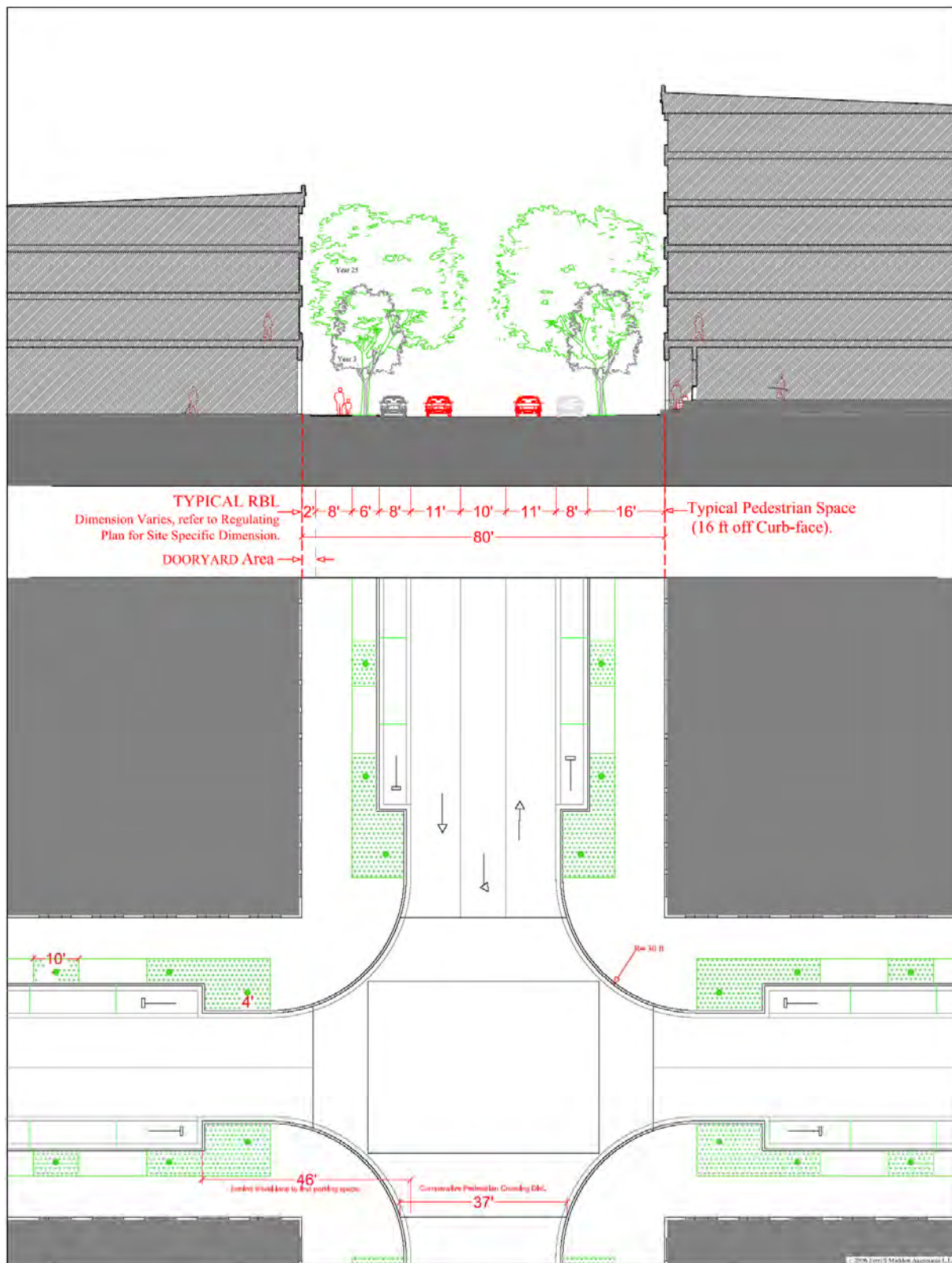
Warehouse District Street 70 (Generally Perpendicular to the River)

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.



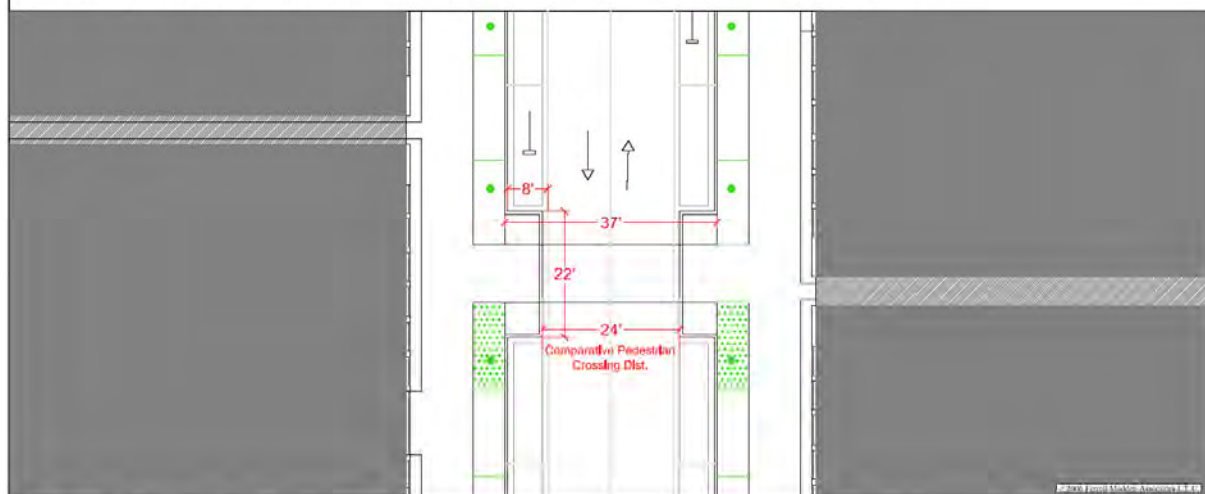
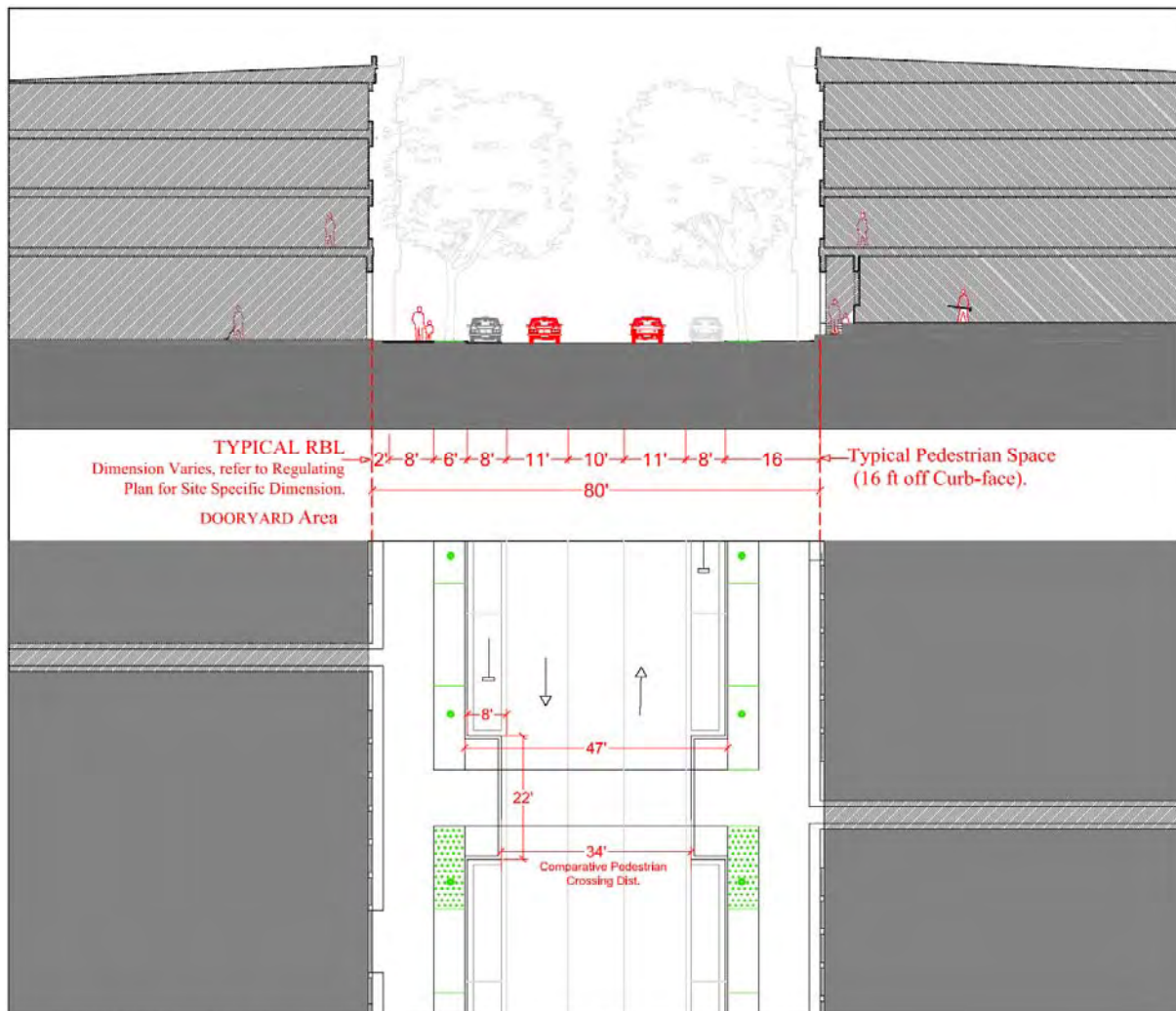
Warehouse District Street 80 (Generally Parallel to the River)

STREETSPACE: 80 feet. **Sidewalks:** 16 ft (6 feet tree, 8 feet clear, 2ft DOORYARD). **Travel Lanes:** 2 @ 11 feet, 10 foot turn lane. **Dedicated Parking Lanes:** 8 feet. **Tree Planters:** 6 x 10 feet open area, connected.

Comparative Pedestrian Crossing Distance 37 feet (all dimensions to face of curb).

-Where the Streetspace is in excess of 80 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.

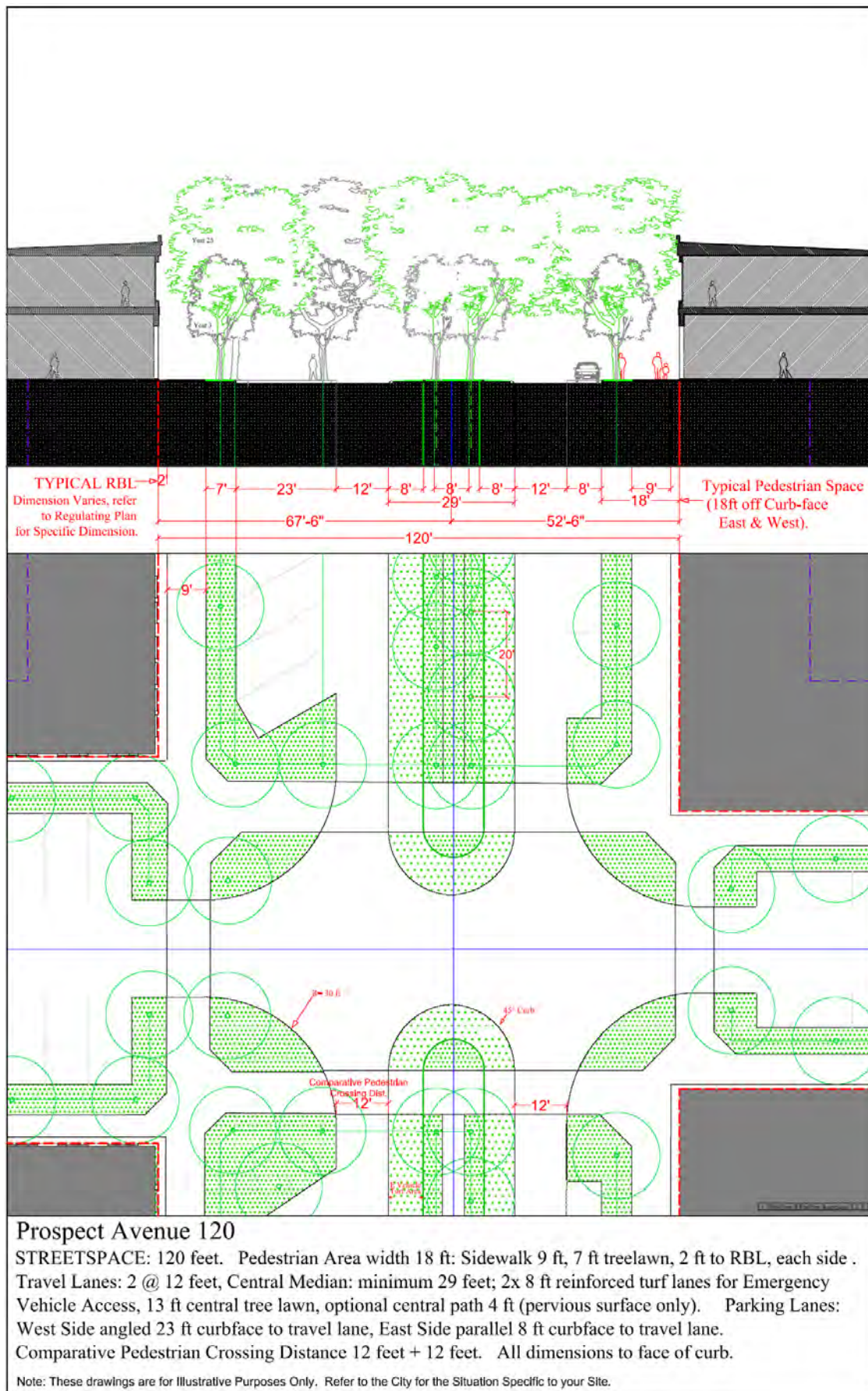


Mid-Block Crossing (Block face more than 250 feet in length)

STREETSPACE: 70 feet and below. Two (2) Lanes and Dedicated Parking Lane.

Fire Department Set-Up Width 37 feet (paved surface) and 22 feet (between curb faces).

Note: These drawings are for illustrative Purposes Only. Refer to the City of Peoria 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 facades 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 facades 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 facade.
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.

(Ordinance No. 16,521, § 1, 01-12-10)

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 Site Plan Review Board.

A. Street Tree List

First Preference

- | | |
|------------------------|---------------------------|
| ▪ Swamp White Oak | <i>Quercus bicolor</i> |
| ▪ Northern Red Oak | <i>Quercus borealis</i> |
| ▪ Red Maple | <i>Acer rubrum</i> |
| ▪ Black Oak | <i>Quercus velutina</i> |
| ▪ American Linden | <i>Tilia americana</i> |
| ▪ Ginkgo | <i>Ginkgo biloba</i> |
| ▪ Scholar Tree | <i>Sophora japonica</i> |
| ▪ Black Maple | <i>Acer nigrum</i> |
| ▪ White Oak | <i>Quercus alba</i> |
| ▪ Bur Oak | <i>Quercus macrocarpa</i> |
| ▪ Kentucky Coffee Tree | <i>Gymnocladus dioica</i> |

B. District Tree List

First Preference (in addition to the above, species that may be placed within squares, civic greens, and parks).

- | | |
|---------------------|--------------------------------|
| ▪ Sycamore | <i>Platanus occidentalis</i> |
| ▪ American Hornbeam | <i>Ostrya virginiana</i> |
| ▪ Hackberry | <i>Celtis occidentalis</i> |
| ▪ Tulip Poplar | <i>Liriodendron tulipifera</i> |
| ▪ Bald Cypress | <i>Taxodium distichum</i> |
| ▪ Northern Caltrops | <i>Caltrops speciosa</i> |
| ▪ Black Gum | <i>Nyssa sylvatica</i> |

Second Preference

- | | |
|--------------------------|--------------------------------|
| ▪ Cucumber tree Magnolia | <i>Magnolia accuminata</i> |
| ▪ Green Ash | <i>Fraxinus pennsylvanica</i> |
| ▪ Black Ash | <i>Fraxinus nigra</i> |
| ▪ Silver Linden | <i>Tilia tomentosa</i> |
| ▪ European Hornbeam | <i>Carpinus betulus</i> |
| ▪ Turkish Filbert | <i>Corylus cornuta</i> |
| ▪ Shagbark Hickory | <i>Carya ovata</i> |
| ▪ White Ash | <i>Fraxinus americana</i> |
| ▪ Basswood | <i>Tilia americana</i> |
| ▪ Black Walnut | <i>Juglans nigra</i> |
| ▪ Shellbark Hickory | <i>Carya laciniosa</i> |
| ▪ Sweetgum | <i>Liquidambar styraciflua</i> |

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 8.1.5C. Size of Parking Stalls
 - 2. Section 8.1.5D. Handicapped Accessible Parking
 - 3. Section 8.1.5E. Access
 - 4. Section 8.1.5F. Use of Required Parking Spaces
 - 5. Section 8.1.5G. Design and Maintenance

(Ordinance No. 16,521, § 1, 01-12-10)

6.10 AMENDMENTS AND DEVIATIONS

Amendments to a regulating plan, deviations from the certain standards of this Article, and new Form Districts may be approved as set forth below.

	Text Amendment	Map Amendment	Planned Form District	Variation	Administrative Deviation
New Form District, Regulating Plan, Building Envelope Standards	-	-	■	-	-
Modification to an Existing Regulating Plan	-	■	-	-	-
Modification to an Existing District Standard	-	-	-	■	■
Site Specific	■	-	-	-	-
District Wide					
	See 2.8	See 2.8	See 2.8.10	See <u>2.6</u>	See 2.4

(Ordinance No. 16,348, § 1, 10-28-08; Ordinance No. 16,521, § 1, 01-12-10)

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 within the Heart of Peoria: 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.

7.1.6 Certification of Appropriateness Required

Except as otherwise provided for in this development code, it shall be unlawful for any person, firm, corporation or other legal entity to:

- A. Construct, reconstruct, alter, move, rehabilitate or demolish part of a building or structure within any Neighborhood Conservation Overlay District, or to cause or permit such work to be performed; or
- B. Use any building or structure originally constructed for use as a single dwelling unit for any other use except legal home occupations after one year from the designation of this overlay district; unless and until the Site Plan Review Board has issued a Certificate of Appropriateness specifically authorizing such work.
- C. The Zoning Commission may grant a Certificate of Appropriateness for an oNC Special Exception. The Zoning Commission may only grant a Certificate of Appropriateness for an oNC Special Exception in those specific instances where it finds that the petitioner's application meets the standards established in the Neighborhood Plan for the neighborhood and is specifically listed as an allowable exception use in 7.1.8. The Zoning Commission will review applications and recommendations from the Site Plan Review Board with respect to oNC Special Exceptions under regulations governing Neighborhood Conservation Districts, hold public hearings thereon, and make a final determination as to whether such special exception should be granted or denied.
- D. Building or Structural Alterations. Any exterior alteration, change, addition, removal or demolition of part or all of a structure shall be reviewed for conformance with the standards of this overlay district listed below in 7.1.9 and if approved by the Site Plan Review Board, shall be granted a Certificate of Appropriateness.
- E. Specific actions requiring a Certificate of Appropriateness are listed below:

1. Erection of new buildings or structures;
 2. Demolition of all or part of an existing building or structure;
 3. Moving a building or structure;
 4. Structural enlargement of a building or structure;
 5. Exterior rehabilitation of an existing building or structure;
 6. Enclosure or removal of a porch;
 7. Construction of an off-street parking facility;
 8. Alteration of architectural details including windows, doors, railings, or siding; and
 9. Exterior walks, driveways, or stairs.
- F. The provisions of this section shall apply whether or not the work would require a building permit from the Department of Inspections. However, this section shall not be construed to prevent the ordinary maintenance of any building, or structure in the overlay district.
- G. Ordinary maintenance shall include such things as painting, roof repair and replacement, and other routine maintenance necessary to preserve the structural integrity of the building or structure.
- H. Special Exception Status for Nonconforming Residential Conversion. The Zoning Commission may grant a Certificate of Appropriateness for an oNC Special Exception upon determination whether and under what specific conditions, if any, an oNC Special Exception may be warranted. The Zoning Commission may only grant a Certificate of Appropriateness for an oNC Special Exception in those specific conditions where it finds that the petitioners' application meets the standards of this section and is specifically listed as an allowable special exception in 7.1.8, or where they find that the petitioners' application is consistent with the Neighborhood Conservation Plan, and neighborhood regulations for the neighborhood in which the property is located.
- I. Revocation of Certificate of Appropriateness for a Special Exception. The Zoning Commission may revoke a Certificate of Appropriateness for an oNC Special Exception in those specific instances when it finds, upon holding an administrative hearing, that the standards for granting the special exception or the conditions originally applied by the Zoning Commission have not been complied with, or that the use to which the building, structure or lot is devoted is different from the use listed on the Certificate of Appropriateness.

7.1.7 Procedures for Securing Certificate of Appropriateness

- A. A Certificate of Appropriateness may be applied for by any person, firm, corporation or other legal entity having a free hold to exclusive possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase or any exclusive possessory interest which is specifically enforceable on the zoning lot or lots described in the application.
- B. An application for Certificate of Appropriateness shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator.
- C. The Zoning Administrator shall forward complete applications to the appropriate entity for review, fact finding and decision within 30 days of the Zoning Administrator's certification of receipt of a complete application and all required information.

1. Application for Certificate of Appropriateness for Alteration

In instances where an application involves alterations to an existing structure, new structure, or demolition, the Site Plan Review Board shall make the final administrative decision.

2. Public Hearing Required

- a. In instances involving Certificates of Appropriateness for Special Exceptions, the Site Plan Review Board shall review the application and send the application with their recommendation to the Zoning Commission to hold a public hearing. The hearing shall be conducted in the manner

prescribed by Illinois statutes and the Zoning Commission shall render a final administrative decision.

- b. The Zoning Commission may grant the Certificate of Appropriateness with conditions or deny the application for a certificate.

7.1.8 Allowable Special Exceptions Under the oNC

The following uses, and no others, except those treated as uses with administrative approval, which the standards established in 7.1.9 below, may be authorized by the Zoning Commission as Special Exceptions under the oNC Overlay District in accordance with the provisions of 7.1.7 above:

- A. Two-family dwelling units (only on lots with minimum size of 7,500 square feet and a minimum width at building line of 50 feet).
- B. Three-family dwelling units (only on lots with a minimum size of 7,500 square feet and a minimum width of 50 feet).
- C. Day-care centers.
- D. Family care facilities.

7.1.9 Standards and Criteria for Certificates of Appropriateness

No Certificate of Appropriateness shall be issued unless the Site Plan Review Board or Zoning Commission finds that the applicant meets the following standards and criteria that the Site Plan Review Board or Zoning Commission, as applicable, determines are applicable for either physical changes or alterations or for Neighborhood Conservation Special Exceptions, or both:

A. Physical Alteration or Changes

To the maximum extent possible, the effect of the proposed work, if carried out, will promote achievement of one or more of following criteria and the criteria adopted as part of the Neighborhood Conservation Plan for the neighborhood in which the property is located:

- 1. Preserve, protect and perpetuate the original or existing external architectural features of the building or structure;
- 2. Provide a harmonious stylistic relationship between the results of such work and the external architectural features of other improvements on the zoning lot and within the oNC overlay district;
- 3. Preserve, protect and perpetuate the original, or existing distinctive character or special historic, aesthetic, architectural, archaeological, or cultural interest or value of the oNC overlay districts;
- 4. For new construction, assure whether such construction would affect the external appearance of other improvements on such site or within the oNC overlay district; and
- 5. Preserve, protect, and perpetuate, allowable uses, economic health, protection of the public health, welfare, and safety, and the protection of property values in the oNC overlay district area.

B. Site Improvement and Maintenance Standards

The design improvement and maintenance of a zoning lot subject to this overlay district, exclusive of the principal building on such lot, shall meet the following standards:

- 1. The repair, replacement, and addition of new improvements shall be carried out to be harmonious with the character of similar improvements elsewhere on the site and in the oNC overlay district in general, or in a manner consistent with the character of the neighborhood which are specified in its Neighborhood Conservation Plan;
- 2. All walks, driveways, steps and accessory structures shall be maintained in a safe condition and kept in a proper state of repair.
- 3. Except when otherwise provided in the Neighborhood Conservation Plan Regulations, all off-street parking areas for automobiles shall be paved with bituminous, concrete or an equivalent surfacing.

4. All accessory structures, including detached garages, fences and walls, shall be maintained in a structurally sound and sanitary condition. All such accessory structures shall be appropriately weather modified and properly surface coated to prevent deterioration.

C. Maintenance of Exterior of Structures

1. The exterior of a structure shall be maintained in good repair, structurally sound and in a sanitary manner so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.
2. Unless otherwise provided in the neighborhood regulations, all cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features as well as all stairs, porches, canopies, awnings, stairways, balconies, fire escapes, standpipes, exhaust ducts and similar overhead extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. If replacement or repair of such features are necessary, finished materials shall be used. Such repairs or replacements shall be made in a manner that is compatible or in harmony with the original feature or design or is in keeping with the original design and architectural character of similar features in the oNC Overlay District. They shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or other protective treatment.

D. Minimum Size Dwelling Units

Unless otherwise provided in the neighborhood regulations, the following minimum sizes shall be required for dwelling units by bedroom count, unless there is a greater minimum size requirement pursuant to the housing code for the City of Peoria:

1. Studio unit: 300 square feet.
2. One bedroom unit: 400 square feet.
3. Two bedroom unit: 600 square feet.
4. Three or more bedroom unit: 800 square feet.

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 Site Plan Review Board is not the designated review board, the Site Plan 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 Site Plan Review Board may be appealed to the Zoning Board of Appeals (see 2.1.6).

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 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. Establish district themes that define the basic permitted uses but provide the flexibility of including other related uses under controlled conditions.
- D. 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 Planning Department to identify those areas susceptible to strip development. Based on its examination, the Planning 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 Planning Department shall identify and document the physical characteristics examined to arrive at their conclusions.
- B. The Planning Department shall submit its recommendations for the Controlled Thoroughfare Corridor boundaries to the Zoning Commission for review. The Zoning Commission shall conduct a public hearing notifying all affected property owners. Upon completion of the public hearing, the Zoning Commission shall forward its recommendations along with the recommendations of the Planning Department to the City Council for review and adoption. In addition, the Planning Department shall submit its recommendations for the future land use for the designated area to the Planning Commission.
- C. The Planning Commission shall conduct a public hearing notifying the affected property owners. Upon completion of the public hearing, the Planning Commission shall forward its recommendations along with those of the Planning 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 in the Heart of Peoria:

- A. All Residential Districts (see 4.1); and
- B. The CN and CG Districts (see 4.2).

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 Planning 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 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.

B. Conditions for Residential Land Use Designation

1. Low density residential designated parcels of land within the Controlled Thoroughfare Corridor Overlay District that are designated for low density residential land uses may be developed or redeveloped under the following zoning classifications: R1, R2, R3, or R4.
2. High density residential designated parcels of land within the Controlled Thoroughfare Corridor Overlay Districts that are designated for high density residential land uses may be developed or redeveloped under the following zoning classifications: R6, R7, or R8.

C. Conditions for Office Land Use Designations

The office land use designation is designed to permit the development of parcels of land which, because of their limited physical characteristics, cannot be aggregated within a Controlled Thoroughfare Corridor Overlay District. This designation will permit the development of smaller parcels of land by limiting the permitted uses to professional offices and the special uses to public safety buildings that do not require large tracts of land to adequately accommodate that level of intensity.

D. Conditions for Commercial Land Use Designations

1. The commercial land use designation is designed to permit a wide range of office uses and limited retail uses within a Controlled Thoroughfare Corridor Overlay District. This designation provides for intense use of the land and, therefore, requires the assemblage of larger parcels of land. This designation permits small scale or limited retail uses as a special use.
2. Parcels of land within the Controlled Thoroughfare Corridor Overlay District that are designated for small scale office/commercial land use may be developed under the CN District with the following alterations:

a. Permitted Uses

- 1) Accountant's office.
- 2) Administrative office for professional organizations and unions.
- 3) Advertising office.
- 4) Architect's office.
- 5) Artist's office.
- 6) Attorney's office.
- 7) Author's or writer's office or studio.
- 8) Business office for business which is conducted primarily by mail or telephone.
- 9) Chiropractor's office.
- 10) Dentist's office.
- 11) Designer's office.
- 12) Detective's office.
- 13) Engineer's office.

- 14) Family counselor's office.
- 15) Investment counselor's office.
- 16) Landscape architect's office.
- 17) Management consultant's office.
- 18) Medical office.
- 19) Optometrist's office.
- 20) Osteopath's office.
- 21) Psychiatrist's office.
- 22) Psychologist's office.
- 23) Photographer's office.
- 24) Publisher's office.
- 25) Real estate office.
- 26) Surgeon's and physician's office.
- 27) Offices for any other recognized profession similar or accessory to the above.

b. Special Uses

The following retail uses may be permitted by special exception. The total retail use shall not exceed one-third of the allowable gross floor area permitted for this district.

- 1) Art store.
- 2) Book store.
- 3) Clock or watch repair shop.
- 4) Coin or stamp store.
- 5) Florist shop.
- 6) Gift shop.
- 7) Jewelry store.
- 8) Locksmith.
- 9) Novelty shop.
- 10) Shoe repair.
- 11) Travel and ticket agency.
- 12) Tobacco shop.
- 13) Tailor shop.
- 14) Uses similar and accessory to the above.

3. Parcels of land within the Controlled Thoroughfare Corridor Overlay District that are designated for large scale office/commercial use may be developed under the District with the following alterations:

a. Permitted Uses

- 1) Dental clinics.
- 2) Government offices.
- 3) Financial institutions (without drive-in facilities).
- 4) Medical and dental laboratories.
- 5) Medical clinics.
- 6) Public utility offices.
- 7) Uses similar or accessory to the above.

b. Special Uses

The following uses are allowed by special use to insure that any one site does not become over-developed with this intense use group:

- 1) Unified retail centers comprised of 20,000 square feet of building space (gross floor area) or greater.
- 2) Auto, truck and trailer sales and rentals, storage, repair, parking or sales lots for new vehicles; permits sales lots for used vehicles only when in connection with new car sales.
- 3) Bowling alleys.
- 4) Department stores.
- 5) Display rooms for merchandise to be sold at wholesale.
- 6) Drive-in restaurants.
- 7) Financial institutions.
- 8) Indoor commercial recreation.
- 9) Motorcycle, rentals, sales or service.
- 10) Service stations.
- 11) Theaters.

7.3.5 Lot Size Requirements

The minimum land required for this Overlay District shall be three-quarters of an acre.

7.3.6 Clustering Structures

The clustering of structures is permitted in this District, subject to review by the Site Plan Review Board.

7.3.7 Automobile Storage or Parking Space

There shall be five spaces per 1,000 square feet of gross floor area.

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.
- B. Except as provided below, when the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified for required parking or loading facilities, parking and loading facilities as required shall be provided for such increase in intensity of use and for any existing deficiency in parking or loading facilities according to the following:

Expansion of Intensity or Size of Existing Structure	Parking and Loading Required
0--10%	No additional
10--49%	100% compliance on new addition
50%+	100% compliance for all existing and new space

- C. Reserved.

- D. The off-street parking and loading requirements may be reduced by the Site Plan Review Board when they would result in a hardship to the owner of the property, and a reduction would not adversely impact on surrounding property.

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. 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.

B. 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.

C. 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.

D. 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 (11-foot wide parking space and a five-foot wide access aisle) in width by 18½ feet in length. 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.
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.

E. Access

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 driveways shall be hard surfaced pursuant to paragraph G below. In any event, all driveways shall conform to all applicable driveway requirements adopted by the City.

F. 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.

G. Design and Maintenance

1. Plan

The design of parking lots or areas shall be subject to the approval of the Site Plan 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

All off-street parking facilities, including access, shall be surfaced with asphalt, Portland cement, interlocking concrete paver or brick, or bituminous cement binder pavement, and 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.

8.1.6 Parking Schedule

- A. All off-street parking spaces 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 8.1.5G 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.

(Ordinance No. 16,399, § 1, 02-24-09; Ordinance No. 16,487 § 1, 10-27-09)

Off-Street Parking Schedule: All Zoning Districts (Except B1 and all Form Districts)

Use	Number of required parking spaces
RESIDENTIAL	
Apartment Hotel	1 per unit
Bed and Breakfast	2 for the operator and 1 per guest room
Boarding House Dormitory Fraternity, Lodging House, Rooming House	1 per sleeping acc.
Convalescent Home, Nursing Home, Elderly Housing	1 per 3 residents + 1 per employee
Hotel/Motel	1.25 per guest room + 12 per 1,000 SF for convention facilities
Mobile Home Park	1.25 per unit
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)
COMMERCIAL	
ATM	6 stacking spaces for 1 ATM on a site and 8 stacking spaces for 2 ATMs on a site
Auto Service	3 per service bay
Car Wash	4 stacking spaces per bay or stall, 15 stacking spaces per automated bay or stall plus 1 parking space per employee.
Drive Through Facility, non-ATM	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
Durable Goods, Furniture, Appliances, etc.	2 per 1,000 SF of GFA
Eating/Drinking	12 per 1,000 SF of GFA
Retail, freestanding	4 per 1,000 SF of GFA
Shopping Center	4 per 1,000 SF of GLA – 25,000 to 400,000 SF 4.5 to 5 in linear progression per 1,000 of GLA – 400,000 to 600,000 SF 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).
Wholesale	2 per 1,000 SF of GFA up to 10,000 SF + 0.5 per 1,000 SF remaining Office area parking requirements shall be calculated separately based on office parking rates.
SERVICE	
Beauty/Barbershop	3 per chair
Funeral Services	1 per 50 SF public access rooms + 1 per vehicle used in connection with the enterprise
Financial	4 per 1,000 SF of GFA
Gym/Health Club	5 per 1,000 SF of GFA + additional for outdoor accessory uses based on their requirements
Hospital	2 per bed + outpatient areas calculated at medical/dental rate
Medical/Dental	6 per 1,000 SF of GFA
Business and Professional Office	4 per 1,000 SF of GFA
Personal Services	3 per 1,000 SF of GFA
Religious Institution	1 per 4 seats

Off-Street Parking Schedule: All Zoning Districts (Except B1 and all Form Districts)

Use	Number of required parking spaces
SCHOOLS AND LIBRARIES	
Dance/Music/Vocational/Trade	1 per employee + 2 per 3 students based on the maximum number of students attending classes on the premises at any one time
Day Care/Nursery	4 per 1,000 SF GFA
K--9th Grades	1 per employee + 4 for visitors
Library	3 per 1,000 SF GFA
Senior High School	1 per employee + 1 per 8 students
CULTURE/ENTERTAINMENT	
Amusement Establishment	1 per 3 persons capacity + 1 per employee
Arena/Stadium	1 per 4 seats
Bowling Alley	5 per lane
Club/Lodge	7 per 1,000 SF of GFA
Cultural Institution	1 per 400 SF of GFA
Golf Course	60 per 9 holes
Swimming Pool	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.
Tennis Court	4 per court
Theater	1 per 4 seats
INDUSTRIAL	
Manufacturing/Utility	1 per 2 employees + 1 per company vehicle
Research and Development	4 per 1,000 SF of GFA
Warehouse	2 per 1,000 SF of GFA up to 10,000 SF + 0.5 per 1,000 SF remaining Office area parking requirements shall be calculated separately based on office parking rates.
Airport	0.75 per airplane tie-down + 1 per 3 passengers whose departure originates from the facility
Bus Facility	1 per 2 employees + 1 per bus
Commuter Train/Bus Station	2 per 3 passengers whose departure originates from facility
Radio/TV Studio	4 per 1,000 SF of GFA

Handicapped Accessible Parking Requirements

Off-Street Parking Spaces Provided	Number of required parking spaces*
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total number
Over 1000	20 plus 1 for each 100 spaces over 1000 spaces

* 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.

8.1.7 Parking and Storage of Vehicles in Residential Districts

The following provisions shall govern the off-street storage of all vehicles in all residential districts.

A. Storage Defined

For purposes of this development code, the term storage shall mean the parking of a vehicle for a continuous period of longer than 24 hours.

B. 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:

1. Class I Vehicle

A vehicle, other than a recreational vehicle, that does not exceed 20 feet in length, 7 feet in width, 8 feet in height.

2. Class II Vehicle

A vehicle that is not a Class I vehicle and that does not exceed 23 feet in length, 8 feet in width, and 10 feet in height and that, if used in commerce, does not exceed 8,000 pounds in gross weight, including vehicle and maximum load.

3. Class III Vehicle

A vehicle that is neither a Class I vehicle nor a Class II vehicle.

C. Storage of Vehicles in Non-Single Parking Areas and Lots

Any number of Class I or Class II 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 III vehicle shall be stored in any parking area or lot in a residential district.

D. Storage of Vehicles in Single Family Areas and Lots

1. Maximum Number Permitted

Exclusive of those vehicles parked in the garage, the maximum number of vehicles permitted to be stored in all parking areas on any lot in a residential district at any one time shall be as follows:

- a. Total vehicles: four
- b. Class I vehicles: four
- c. Class II vehicles: one
- d. Class III vehicles: none

2. Location on Lot

Vehicles may be stored in parking areas only in compliance with the provisions of paragraph 3 below and only in the following locations on a lot in a residential district:

a. Class I Vehicle

Anywhere on the lot, including the required side and rear yards, but excluding the required front and corner side yards.

b. Class II Vehicle

Anywhere on the lot, including the required rear yard, but excluding the required front and side yards.

c. Class III Vehicle

Nowhere on the lot, unless in a completely enclosed garage; however, the temporary storage of boats, campers, and other types of recreational vehicles is allowed in certain areas pursuant to 8.4.4B.4, Temporary Outdoor Storage in Residential Districts.

3. General Regulations and Standards

The following apply to the storage of vehicles in parking lots and parking areas on a lot in a residential district:

a. Distance from Lot Line or Public Right-of-Way

No Class II vehicle shall be stored within three feet of any lot line or right-of-way.

b. 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.

c. Screening

See 8.2 for landscaping and screening requirements applicable to the parking of cars and trucks on a lot in a residential district.

d. Permanent Location Prohibited

No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.

e. Residential Use Prohibited

No vehicle shall be used for living, sleeping or housekeeping purposes while parked or stored in the City.

f. Utility Hookups

No vehicle shall be connected to any public utility except for required servicing.

g. 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.

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 Site Plan 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 required front 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

Unless otherwise specified, an off-street loading berth shall be at least 12 feet in width by at least thirty-35 feet in length for short berths, and 12 feet in width by at least 50 feet in length for long berths exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet. Maneuvering aprons for short berths shall be at least 60 feet. Access lanes for short berths shall be 12 feet in width for one-way lanes and 22 feet in width for two-way lanes. For long berths, access lanes shall be 14 feet in width for one-way lanes and 24 feet in width for two-way lanes. Maneuvering aprons for long berths shall be at least 90 feet. Space dedicated for access lanes may also be considered as space for the maneuvering apron.

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 Site Plan Review Board.

E. Surfacing

All open off-street loading berths shall be surfaced pursuant to 8.1.5G.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 Nonconforming Off-Street Parking and Loading Facilities

- A. All existing off-street parking and loading facilities located in nonresidential zoning districts that were legally established prior to September 12, 1972 and are nonconforming to the surface requirements of 8.1.5G.3 and 8.1.8E must comply with those surfacing requirements as part of the approval of the site by the Site Plan Review Board. This may or may not be in conjunction with an application for a building permit.
- B. All existing off-street parking and loading facilities located in nonresidential zoning districts that were illegally established after September 12, 1972 and are nonconforming to the surface requirements of 8.1.5G.3 and 8.1.8E must comply with those surfacing requirements within one year from a notice of violation, in addition to complying with any other development code requirements (landscaping, yards) associated with the parking and loading facilities that were enforced at the time that the parking and loading facilities were established.

8.1.10 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.

(Ordinance No. 16,222, § 1, 12-11-07)

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 within the Heart of Peoria.
- 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 Site Plan Review Board.
- B. The requirements set forth in Section 8.2.12A. and 8.2.14C. 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).

(Ordinance No. 16,416, § 1, 04-21-09)

8.2.3 Approval Criteria

All landscape plans shall fully meet the following standards in order to receive approval from the Site Plan Review Board.

- A. Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site.
- B. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing utilities.
- C. Landscaping materials shall be selected and placed so that the safe and enjoyable use of surrounding properties is not inhibited.
- D. 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 Certificate Required

A zoning certificate shall be applied for and approved for all projects requiring site plan review. Such application for a zoning certificate which requires the submittal of a site plan must be accompanied by a landscape plan that contains all of the information required as set forth below prior to or in conjunction with an application for a building permit.

B. Indication of Preferred Review Process

The petitioner shall indicate in writing on their application for a zoning certificate whether they want the landscape plan to be reviewed under the point system process or the alternative compliance process.

C. Project Timing

All landscape plans must be submitted for approval and a zoning certificate issued for required landscaping prior to installation of landscaping.

D. 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:

Tree Classification	Base Value
Shade Trees	20 points
Evergreen Trees	15 points
Intermediate Trees	15 points
Shrub Classification	Base Value
Evergreen Shrubs	3 points
Deciduous Shrubs	3 points

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 8.2.13B. Exotic, invasive woody plants which must be removed from the site are listed in 8.2.13C.

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. One-half of the points for front and corner side yard landscaping must be achieved by utilizing plants from the tree classification and one-half must be from the shrub 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 Site Plan Review Board.

8.2.7 Parking Lot 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 may be achieved through the use of any combination of trees or shrubs.
- B. When a parking lot has less than 100 parking spaces the landscaping may be placed within interior curbed parking islands and/or within ten feet of the perimeter of the parking lot.
- C. When a parking lot has 100 or more parking spaces, one-half of the required points shall consist of shade trees planted in curbed islands within the interior of the parking lot. The intent of this provision is to break up large expanses of pavement and to provide shading by locating shade trees away from the perimeter and within the interior of parking lots.
- 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 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 Site Plan 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 a 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 six feet in height but not more than eight 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 8.2.16 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 Site Plan Review Board shall have the authority to reduce the Transitional Buffer Yard requirements. This authority may be exercised when the Site Plan Review Board determines that the proposed reduction will not have a negative impact on the subject residential lot.

D. Dispute Resolution

The Site Plan 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 8.2.13C) 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 5.3.2C may be permitted in a Transitional Buffer Yard on a case by case basis and only through the alternative compliance provisions of 8.2.16.

G. Determination of Required Plant Materials for Transitional Buffer Yards

1. 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.
2. 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.
3. 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.
4. 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.
5. 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 8.2.13B 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 height or taller

C. Evergreen Tree

Ten feet in height or taller

8.2.12 Ground Cover and Mulching Requirements

A. Ground Cover Requirements

1. All yards shall be planted and maintained with a vegetative ground cover such as sod or seed. Other low growing plants (evergreen or broadleaf evergreen plants with a mature height of one foot or less) may also be utilized.
2. When low growing broadleaf evergreen plants such as Pachysandra, Vinca minor, and Purpleleaf Wintercreeper are utilized to meet the ground cover requirements they shall be planted together in continuous beds, mulched with shredded hardwood bark or cypress mulch and spaced in such a way that they achieve a substantially continuous ground cover within two years from the date a Certificate of Occupancy is issued.
3. Creeping Junipers may be mulched with shredded hardwood bark, cypress, or gravel mulch and must meet the same coverage timeline as stated for broadleaf evergreen ground covers.

B. 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:
 - a. Box Elder *Acer negundo*

- | | |
|------------------------------|------------------------------|
| b. European Mountain Ash | <i>Sorbus aucuparia</i> |
| c. European White Birch | <i>Betula pendula</i> |
| d. White Mulberry | <i>Morus alba</i> |
| e. Lombardi & Boliana Poplar | <i>Populus nigra</i> cv. |
| f. Purple Leaf Plum | <i>Prunus cerasifera</i> |
| g. Russian Olive | <i>Eleagnus angustifolia</i> |
| h. Siberian Elm | <i>Ulmus pumila</i> |
| i. Willow | <i>Salix</i> spp. |
| j. Black Locust | <i>Robinia pseudoacacia</i> |
2. The following shrub is undesirable due to its propensity to spread to adjacent land:
- | | |
|--------------------|------------------------|
| a. Multiflora Rose | <i>Rosa multiflora</i> |
|--------------------|------------------------|

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.

- | | |
|------------------------------|------------------------------|
| 1. Tree of Heaven | <i>Ailanthus altissima</i> |
| 2. Autumn Olive | <i>Eleagnus umbellatus</i> |
| 3. Tartarian Honeysuckle | <i>Lonicera tartarica</i> |
| 4. Glossy Buckthorn | <i>Rhamnus frangula</i> |
| 5. Common Buckthorn | <i>Rhamnus cathartica</i> |
| 6. Saw-toothed Buckthorn | <i>Rhamnus arguta</i> |
| 7. Dahurian Buckthorn | <i>Rhamnus davurica</i> |
| 8. Japanese Buckthorn | <i>Rhamnus japonica</i> |
| 9. Chinese Buckthorn | <i>Rhamnus utilis</i> |
| 10. Kudzu | <i>Pueraria lobata</i> |
| 11. Round-leaved Bittersweet | <i>Celastrus orbiculatus</i> |
| 12. Japanese Honeysuckle | <i>Lonicera japonica</i> |

D. Minimum Plant Material Size

All required trees shall, at the time planting shall 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 Landscape Maintenance

A. Responsibility

The owner of the premises shall be responsible for the watering, maintenance, repair, and replacement of all landscaping, fences and other visual barriers including refuse disposal area screens which have died (in the case of plant material) or fallen into disrepair (in the case of fences).

B. Plant Materials

All required plant materials shall be maintained in a healthy, vigorous growing condition, and neat and orderly appearance. They shall be replaced as necessary, and shall be kept free of refuse, debris and exotic, invasive woody plants.

C. Fences and Walls

All fences, walls and other barriers shall be maintained in good repair, meaning structurally sound and attractive in appearance. All fences, required or otherwise, shall have the finished face directed toward residential property, where a residential property is adjacent to or across from the subject site.

D. Penalty for Noncompliance with Maintenance Standards

A property owner, notified by the Zoning Administrator that their landscaping violates the maintenance provisions, shall be granted a reasonable period of time within which to restore or replace the required plant material, fence, wall and/or other barrier. If the violation is not corrected within the given period of time, the property owner shall be subject to a fine as set forth in 2.15, Penalties and Enforcement.

8.2.15 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. Mechanical Equipment

1. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.
2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include decorative galvanized metal screening or louvers or screening or louvers that are painted to blend with the principal structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
 - a. Planting screens;
 - b. Brick, stone, reinforced concrete, or other similar masonry materials; or
 - c. Redwood, cedar, preservative pressure treated wood, or other similar materials.

C. Refuse Areas

All refuse areas used to store trash or recyclable materials shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public rights-of-way.

1. All refuse containers shall be limited to that area shown on an approved site plan.

2. Refuse areas shall be located a minimum of 50 feet away from residentially-zoned property lines. Where 50 feet of separation is not available, the Site Plan review Board shall work with the applicant to locate the refuse area as optimally as possible.
3. Refuse containers shall be screened on all sides, with a minimum eight-foot high enclosure that fully screens the refuse area from view. Screening shall be comprised of material that matches or complements the building material of the principal structure.
4. Refuse container enclosures shall have gates with spring-loaded hinges or the equivalent and fasteners to keep them closed at all times except during refuse pick-up.

D. 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.

E. Utilities

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the structure, up to eight feet. Required accessways to these utilities are exempt from the screening provisions.

8.2.16 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 give the petitioner the flexibility needed to respond to unique site issues and client needs and still meet the intent of this article.

A. No Appeal of Zoning Administrators 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 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 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 Administrators decision.

8.3 SIGNS

Appendix B, Article 17, Sign Ordinance, of the City of Peoria Code, shall apply to all signs in the Heart of Peoria. For the purpose of this development code, signs in the CN, CG and Form Districts (which do not exist in Appendix B, Article 17) shall be regulated as set forth in the table below.

District	Apply Standards From:	Additional Standards
Commercial Neighborhood (CN)	O1	--
Commercial General (CG)	C2	--
Prospect Form District	O1 and 6.6	6.6.8
Sheridan Form District	O1 and 6.6	6.6.8
West Main Form District	O1 and 6.6	6.6.8
Warehouse Form District	B1 and 6.6	6.6.8

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 of as set forth below. Outside storage and display shall not be permitted in a residential district, except for that specified in 8.4.4B.4.
- 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 4.3.6, 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	B1	I1	I2	I3	N1	P1	PR	ST	WH	WM
Outdoor Display	■	■		■	■	■			■	■	■	■
Limited Outdoor Storage		■	■	■	■	■	■		■	■	■	■
General Outdoor Storage				■	■	■					■	

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 (in accordance with 8.4.3) 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) All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
 - 3) No general outdoor storage shall be permitted in a front yard, corner side yard, or otherwise forward of the front building line.
 - 4) General outdoor storage may be located in the side or rear yard.

4. Temporary Outdoor Storage in Residential Districts

- a. Temporary outdoor storage of materials in residential districts is limited to the following:
 - 1) Temporary storage of building materials and equipment for on-site construction for a period not to exceed the duration of such construction.
 - 2) Temporary real estate tract offices, for the sole purpose of conducting the sale of lots of the tracts upon which such tract office is located, for a period not to exceed the duration of such sales.

- 3) Temporary storage of boats, campers, other types of recreational vehicles, and firewood allowed, but prohibited from the required side yards and the area located between the front building setback line and the corresponding street property line.

(Ordinance No. 16,521, § 1, 01-12-10)

8.5 OUTDOOR SITE LIGHTING

8.5.1 Applicability

All outdoor lighting shall be subject to the following requirements.

8.5.2 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:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Searchlights and other high-intensity narrow-beam fixtures, except for accent lighting as defined in 8.5.4B

8.5.3 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.

8.5.4 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.

8.5.5 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 of within the Heart of Peoria:
 - 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):

Total Surface Area of Watershed (Each side of channel)	Required Minimum Buffer Width (feet)
Less than 1 square mile	30 feet
More than 1 square mile	50 feet

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 Planning Director.
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 Planning Director.
 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 Planning Director;
 7. Selective tree and vegetation clearing as approved by the Planning Director;
 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 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 Planning Director. 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 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 other property line. Sign dimensions shall be five inches by seven inches. Signs must read "Conservation Area: No Mowing Allowed Beyond This Point."

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 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 Planning Director. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The Planning Director 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 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 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 Planning Director 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 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 Planning Director 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 Planning Director 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 Planning Director 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 Planning Director, 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 Planning Director.
- 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 Planning Director.

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.

- | | |
|--------------------------|----------------------------|
| A. Tree of Heaven | <i>Ailanthus altissima</i> |
| B. Autumn Olive | <i>Eleagnus embellatus</i> |
| C. Tartarian Honeysuckle | <i>Lonicera tartaric</i> |
| D. Glossy Buckthorn | <i>Rhamnus frangula</i> |
| E. Common Buckthorn | <i>Rhamnus cathartica</i> |
| F. Saw-toothed Buckthorn | <i>Rhamnus arguta</i> |

G. Dahurian Buckthorn	<i>Rhamnus davurica</i>
H. Japanese Buckthorn	<i>Rhamnus japonica</i>
I. Chinese Buckthorn	<i>Rhamnus utilis</i>
J. Kudzu	<i>Pueraria lobata</i>
K. Round-leaved Bittersweet	<i>Celastrus orbiculatus</i>
L. Japanese Honeysuckle	<i>Lonicera japonica</i>

9.0 Subdivision Design Standards

9.1 GENERAL PROVISIONS

9.1.1 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.

9.1.2 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.

9.1.3 Permits

The Director of Planning and Growth Management 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.

9.1.4 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 in the manner prescribed 2.13.

9.1.5 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 Commission and City Council, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Commission.

9.1.6 Conformity with Adopted Plans

The proposed subdivision or development shall conform to all applicable adopted plans (see 1.6), including the regulating plans for Form Districts in 6.0. The classification and location of all streets shall conform to all applicable adopted plans and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on all applicable adopted plans, the arrangement and other design standards of streets shall conform to the provisions below.

A. Relation to Adjoining Street System

The arrangement of streets in new subdivisions or development shall make provisions for the continuance of the existing streets in adjoining areas. If the existing streets are dedicated, the streets in new subdivisions or development shall be dedicated if a continuance of development beyond the new subdivision or development is feasible.

B. Projection of Streets

Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions or development shall make provision for proper projection of dedicated streets to the boundaries of the tract proposed to be subdivided or developed.

9.2 DESIGN STANDARDS

All subdivision or development of land subject to these regulations shall conform to the design standards set forth below. In the Form Districts, many standards are specified which replace the standards in this section – see 6.0, Form Districts.

9.2.1 Access

Every subdivision lot shall have frontage on a publicly dedicated street or on an approved private street.

9.2.2 Streets

All streets within a subdivision must meet the following minimum standards:

A. Street Widths and Right-of-Way

The minimum width of a street and right-of-way shall not be less than as follows:

STREET CLASSIFICATION SYSTEM AND DESIGN STANDARDS

Street	R.O.W.	Pavement	Lane Width	Median	Parking	Min Ret. Rad.	Min Rad.	Max Grade	Min Grade	Verti. Curve Alg. Diff ⁽⁴⁾	Structural Coefficient No. ⁽⁴⁾	Soil Survey ⁽⁵⁾
Freeway	200' to 250'	52' to 76'	12'	26'	Prohibited							
Expressway	150' to 200'	52' to 76'	12'	22'	Prohibited							
Primary Arterial	100'	52'	12'	4' to 22' ⁽²⁾	Prohibited if possible							Mandatory
Secondary Arterial	100'	48'	12'	4'	Prohibited if possible	30'	500'	5%	0.5%	25	4.00	Mandatory
Commercial Collectors	80'	44'	11' to 12' ⁽¹⁾	0	Dependent upon conditions	30'	500'	5%	0.5%	25	4.00	Mandatory
Industrial Collectors	80'	44'	11' to 12' ⁽¹⁾	0	Dependent upon conditions	30'	500'	5%	0.5%	25	4.00	Mandatory
Residential Collectors	65'	44'	11' to 12' ⁽¹⁾	0	Dependent upon conditions	25'	300'	7%	0.5%	20	3.00	Mandatory
Local	55'	34'	11'	0	Permitted	20'	100'	9%	0.5%	10	2.00	
Private Street ⁽³⁾	N/A	22'	11'	0	Prohibited	20'	100'	9%	0.5%	10	2.00	Mandatory

(1) 2 to 12' driving lanes and 2 to 10' parking lanes or 4 to 11' driving lanes.

(2) 22' needed for channelization of traffic.

(3) Subject to special design standards at intersections with dedicated streets and where it serves the function of a residential collector street.

(4) Subgrade shall have a minimum CBR of 3 for these structural coefficient numbers.

(5) Refer to soil survey (City of Peoria design standards)

B. 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 article as follows:

1. The entire additional right-of-way shall be provided, where the subdivision is on both sides of the existing street.
2. 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.

C. Cul-de-Sacs

No cul-de-sacs shall be platted after the effective date of this development code.

D. Reserve Strips

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

E. 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.

F. Street Jogs

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

G. 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.

H. 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.

I. Street Names**1. 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.

2. Honorary Street Name Signs

- a. 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.

- b. 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.
- c. 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.

J. Sidewalks and Walkways

All developments shall have sidewalks as provided below. Alternative sidewalk/walkway systems to the standard system may be considered at the time of development review and approval. It is intended that all residential lots and dwelling units have adjoining access to a walkway. For thoroughfares, in which the City has collected a fee in lieu of sidewalk construction, walkways of extra width may be constructed on one side of the street based upon a City Council approved Comprehensive Walkway Plan.

1. Industrial Zoned Areas

- a. No sidewalks required on local streets. These streets shall be 36 feet in width. Parking may be prohibited along one or both sides of the street.
- b. Sidewalks are required on thoroughfares on both sides.

2. Residential and Commercial Zoned Areas

- a. Sidewalks are required on both sides of local roads and thoroughfares, one foot from the property line.
- b. A payment to the City, in lieu of providing sidewalks along thoroughfares which is equivalent to the standard sidewalk construction cost, may be considered and/or required by the City. The City will install sidewalks in a coordinated manner, which will facilitate linkages to other areas as deemed appropriate at a time to be determined by the City.
- c. Developments on streets within commercially zoned areas that have no residentially zoned parcels fronting on the same street shall comply with the industrial standards listed above.

3. Developed Areas Without Sidewalks

Undeveloped parcels within built-up areas where a majority of the property adjacent to the undeveloped parcel does not have sidewalks along the thoroughfare, as determined by the City, will not be required to provide sidewalks along the thoroughfare at the time of their development or redevelopment.

K. Curb and Gutters

Curb and gutters shall be constructed along all dedicated streets. The applicant shall have an option to construct curbs and gutters along private streets.

9.2.3 Blocks

Sizes of blocks shall be not less than 250 feet or more than 1,000 feet in length measured along the greatest dimension of the enclosed block area. 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. Blocks in a Form District shall follow those shown on the adopted regulating plan.

9.2.4 Arrangements of Lots

Side lot lines shall be as near as possible at right angles to straight street lines or radial to curved street lines. Double frontage or through lots shall not be permitted, except in case of primary or secondary arterials.

9.2.5 Easements for Utilities

Except where dedicated right-of-way or alleys are provided for this purpose, utility easements shall be shown on the final plat. 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. 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.

9.2.6 Drainage Easement

Where subdivisions abut or include a creek or tributaries, an easement shall be dedicated to the City for drainage and future improvements of such watercourse. The easement shall have sufficient width as determined by the City Engineer. 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 and shall not make the City liable for maintenance of the creek or for damage which may occur due to the presence of the creek.

9.2.7 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.

9.2.8 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 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 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.

9.3 INSTALLATION OF REQUIRED IMPROVEMENTS

9.3.1 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):

9.3.2 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.

9.3.3 Curb and Gutters

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

9.3.4 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 two years after construction is completed on 80% of the lots in the subdivision, the applicant shall install all required sidewalks.
- 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.

9.3.5 Driveways

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

9.3.6 Sanitary Sewers

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.

- A. 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.
- B. 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 the City.

- C. 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.

9.3.7 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.

9.3.8 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.

9.3.9 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.

9.3.10 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.

9.4 DEVELOPMENT FEES

9.4.1 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.

9.4.2 Applicability and Jurisdiction

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

9.4.3 Land Donation

- A. 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.

- B. If there is any question as to the location and/or configuration of the site, the agency involved shall make the determination.
- C. 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.

9.4.4 Development Fees

A. 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:

Type of Unit	Recreation Fee	Education Fee	Total
Single-family detached	\$56.00	\$42.00	\$98.00
Single-family attached	42.00	21.00	63.00
Apartment	35.00	11.00	46.00

B. 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.

C. Collection of Fee

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

D. Establishment of Acquisition 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 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.

E. 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.

F. Limitations and Exceptions

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

G. 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 cost. The funds applied for shall be used only for acquisition 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.

9.5 MODIFICATIONS

9.5.1 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 Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

9.5.2 Modifications

The Planning 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:

- A. 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.
- B. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. 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.

10.0 Nonconformities

10.1 PURPOSE

The purpose of this Article 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.

10.2 GENERAL PROVISIONS

10.2.1 Burden of Establishing Nonconformity

The burden of establishing any nonconformity is to be met by the owner or party seeking to continue the use, or any person applying for a zoning certificate. 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.

10.2.2 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.

10.2.3 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 Article 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 Article governing the restoration of partially damaged or destroyed structures and signs.

10.3 NONCONFORMING USE OF A BUILDING OR STRUCTURE

The nonconforming use of a building or structure may be continued, subject to the provisions of this section.

10.3.1 Accessory Buildings

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.

10.3.2 Discontinuance of Abandoned Nonconforming Use

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. However, 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.

10.3.3 Expansion of Nonconforming Use

- A. 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.
- B. 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.
- C. Expansion of hours of operation of any class of nonconforming use beyond the hours of operation on July 15, 2007 is prohibited when such expansion would cause the use to become nonconforming.

10.3.4 Change in Nonconforming Use

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 5.1B, Uses Not Specifically Listed, shall be considered in determining whether or not a use is less intense.

10.4 NONCONFORMING USE OF LAND

The nonconforming use of land may be continued, subject to the provisions of this section.

10.4.1 Nonconforming Use of Land Accessory to Nonconforming Use of Building

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.

10.4.2 Nonconforming Use of Land Not Involving a Building

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.

10.5 NONCONFORMING BUILDINGS, STRUCTURES AND SITE ELEMENTS

Nonconforming buildings, structures or site elements may be continued, subject to the provisions of this section.

10.5.1 Improvements Underground

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.

10.5.2 Restoration of Buildings or Structures

- A. 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.
- B. 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.

10.5.3 Nonconforming Site Elements

- A. When a proposed or completed repair, change in use, expansion of use, or change in a building or structure already existing on June 1, 2007 occurs with or results in nonconforming elements of the site such as parking, yards or landscaping, 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 as part of the review process for the issuance of zoning certificates only when they are in the interest of the City, or when conformance with the parking 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.
- B. Any nonconformity to Section 8.2.12A. must be in compliance with Section 8.2.12A. within one year of official notification of nonconforming status by the Zoning Administrator.

(Ordinance No. 16,416, § 1, 04-21-09)

10.6 NONCONFORMING USE OF LOTS OF RECORD

- A. 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.
- B. 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.
- C. 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.

10.7 NONCONFORMING SIGNS SUBJECT TO AMORTIZATION

10.7.1 Nonconforming Portable and Temporary Signs

Nonconforming portable and temporary signs shall be removed or converted to a permitted sign within ninety days of official notification of a nonconforming status by the Zoning Administrator.

10.7.2 Nonconforming Off-Premise Signs

- A. Nonconforming off-premise signs that are nonconforming due to being located in a residential district; or wall or roof construction shall be removed within seven years of official notification of a nonconforming status by the Zoning Administrator.
- B. 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, Signs:
 - 1. Replacement or repair of any portion of the sign in excess of 50% of the replacement value; or
 - 2. 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.

10.7.3 Nonconforming Signs

In addition to the above regulation for amortization of portable and 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, Signs:

- A. Change of use classification;
- B. Replacement or repair of any portion of the sign in excess of 50% of the replacement value;
- C. Removal or replacement of the entire sign structure; and
- D. Building permit application review by the Site Plan Review Board or Zoning Administrator. However, a nonconforming on-premise sign that would require a special permit (rooftop, historic, projecting, residential, ground, and marquee signs) under this development code may be replaced without a special permit when the Zoning Administrator finds that the sign has been destroyed by an act of God.

11.0 Definitions

11.1 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.

11.2 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

SPRB: The Site Plan Review Board of the City of Peoria.

SWECS: Small Wind Energy Conversion Systems

ZBA: The Zoning Board of Appeals of Peoria.

11.3 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.

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.

Appurtenances: Equipment (e.g., benches, signs, street lights, etc.) used for a specific purpose.

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.

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.

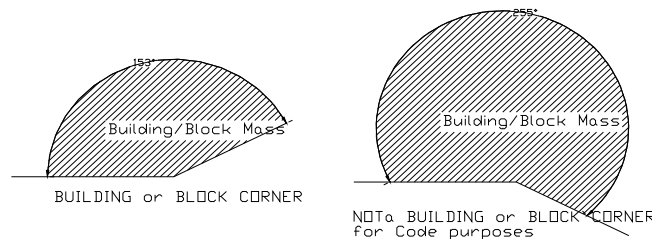
Bay or Bay Window: Generally, a U-shaped enclosure extending the interior space of the building outward of the exterior building wall. Walls and windows shall be between 90 degrees (perpendicular) and zero degrees (parallel) relative to the primary wall from which they project. See also 6.6, Architectural 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.

Broadleaf Evergreen: Any plant with leaves similar in appearance to the leaves of deciduous plants but persist all year.

Buffer: For the purposes of Article 9, 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, 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.

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 Site Plan 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 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 Zoning Ordinance 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.
- Commission: The Zoning Commission (ZC) as established in the Peoria Zoning Ordinance.
- Commerce Use: For the purposes of the Form Districts, commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6, Use Categories.
- 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.
- 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.
- 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.
- Critical Traffic Management Area: Area identified by the Site Plan 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 2.8, 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.
- 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. 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.
- Director:** The Director of the Department of Planning and Growth Management 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.
- District, Overlay:** 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.
- District, Underlying:** An underlying district is the term referring to a zoning district (as defined for the term District) when it is affected by an overlay district.
- 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.
- Driveway:** A hard surfaced pathway for motor vehicles from a street to a area or a structure used for service purposes or access to the structure only. The driveway width shall not exceed the width of the garage access and in no event shall the driveway width exceed the following (as measured at the front property line): 15 feet for a single stall garage; 20 feet for a double stall garage; or 30 feet for a triple stall garage. Any garage larger than three stalls must have the driveway width approved by the city traffic engineer. In absence of a garage, the driveway width serving any parking shall not exceed 24 feet in width.
- 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.
- 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.
- 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 its 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.
- 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.
- 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.
- 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.

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))

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 licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

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.

Home Office: For the purposes of the Form Districts, a home office shall be considered to be a home occupation. See 5.4.9.

Hose bib: A faucet with a threaded outlet to which a hose can be connected.

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.

Industrial District: Any one or all of the I1, I2, or I3 districts.

Industrial Use: For the purposes of the Form Districts, industrial uses shall be considered to encompass all of the Industrial use categories except the waste-related services and any animal processing, as defined in Section 5.6.6, Use Categories.

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.

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 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.

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.

Molding: A decorative wood or stone contour or band, used in exterior and interior architectural elements.

Municipality: Municipality shall mean the City of Peoria.

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-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.
- Off-Street Parking Schedule:** General off-street parking requirements, as delineated in Article 15 of the Zoning Ordinance; the schedule indicates the number of parking spaces required per use.
- 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 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 the provisions of Article 16. 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.
- Overlay District:** See District, Overlay.
- 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.

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.
- 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.
- Planned Unit Development: A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.
- 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 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.
- Pre-code:** Uses established prior to April 1, 1931.
- 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.

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.

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 District or Zone:** Any one or all of the, R1, R2, R3, R4, R6, R7, or R8 districts.
- Residential Use:** For the purposes of the Form Districts, residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.6, Use Categories.
- Retaining Wall:** A wall designed to resist the lateral displacement of soil or other material. Retaining walls are limited to 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.
- 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.
- 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.
- 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.
- 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:** A woody plant 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, 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, 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, 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.

Site Plan Review Board: An administrative body reflecting representation from the departments of Planning, Zoning Administration, Public Works, Traffic Engineering, Police, Fire, and Inspections.

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.

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 microneutons 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.

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."

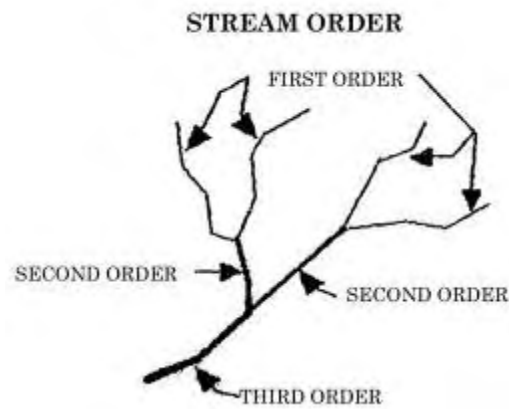
Streams: Perennial or intermittent watercourses identified on the official Stream Buffer Ordinance Map as amended periodically by site inspection.

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 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 Section 6.6.6.
- 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.
- 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.
- Top of Bank:** The topmost part of a stream bank with a noticeable change in grade or slope.
- "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

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.

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.

Underlying District: See District, Underlying.

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 Article 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.
- 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.
- 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.
- 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 Planning and Growth Management 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 Article 2.1.2 of this ordinance.

Zoning Certificate: Refers to either a Zoning Compliance Certificate or Zoning Exception Certificate.

Zoning Compliance Certificate: A certificate issued by the Zoning Administrator certifying that a proposed or existing lot, proposed or existing structures thereon, and proposed or existing use complies with the requirements of this ordinance.

Zoning Exception Certificate: A Zoning Exception Certificate may be issued by the Zoning Administrator for any zoning lot which has a nonconforming use or structure which may be maintained because relief has been granted from any of the provisions of this code due to one or more of the following:

- 1) Its establishment as a lawful, nonconforming building;
- 2) Its establishment as a lawful special use;
- 3) The granting of a variation by the Zoning Board of Appeals or the City Council; or Court action.

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.

(Ordinance No. 16,256, § 1, 03-25-08; Ordinance No. 16,365, § 1, 11-25-08; Ordinance No. 16,399, § 1, 02-24-09; Ordinance No. 16,521, § 1, 01-12-10; Ordinance No. 16,523 § 1, 01-26-10; Ordinance No. 16,527 § 1, 01-26-10)