

**TITLE 2: ZONING**

CHAPTER 1 TITLE, INTENT, STANDARDS AND OBJECTIVES ..... 1

CHAPTER 2 GENERAL PROVISIONS ..... 2

CHAPTER 3 ZONING DISTRICTS ..... 9

CHAPTER 4 CONSERVATION OVERLAY DISTRICT C-O..... 11

CHAPTER 5 RESIDENTIAL DISTRICTS ..... 12

CHAPTER 6 BUSINESS DISTRICTS ..... 19

CHAPTER 7 INDUSTRIAL DISTRICTS ..... 24

CHAPTER 8 NONCONFORMING USES ..... 29

CHAPTER 9 SIGN TITLES..... 32

CHAPTER 10 OFF-STREET PARKING AND LOADING..... 36

CHAPTER 11 ADMINISTRATION AND ENFORCEMENT ..... 43

CHAPTER 12 DEFINITIONS..... 53

CHAPTER 13 PLANNED UNIT DEVELOPMENT [SPECIAL USE]..... 61

## **TITLE 2 ZONING**

### **CHAPTER 1 TITLE, INTENT, STANDARDS AND OBJECTIVES**

2-1-1 Title

2-1-2 Intent and Purpose

#### **SECTION 2-1-1 TITLE**

This Title shall be known, cited and referred to as “The Zoning Ordinance for the City of West Peoria, Illinois.”

#### **SECTION 2-1-2 INTENT AND PURPOSE**

##### **A. Purpose of this Title**

1. Promoting and protecting the public health, safety, comfort, convenience, prosperity, morals and general welfare of the people.
2. Securing adequate light, pure air, safety from fire and other dangers.
3. Conserving the taxable value of land and buildings throughout the City.
4. Avoiding or lessening the hazard to persons and damage to property resulting from the accumulation or runoff of storm or floodwaters.
5. Insuring the preservation of sites, areas, and structures of historical, architectural, and aesthetic importance.

##### **B. Standards and Objectives to be Accomplished by this Title:**

1. Organizing the City into districts regulating and restricting therein the location, construction, reconstruction, alteration and use of any buildings, structures or land, whether for residence, office, business, manufacturing or other specific uses.
2. Regulating and limiting the height and bulk of buildings and other structures.
3. Establishing, regulating and limiting the building or setback lines along streets, alleys, property lines, storm or floodwater runoff channel.
4. Regulating and limiting the intensity of the use of the lot area and determining the area of open spaces within and surrounding such buildings.
5. Regulating the size, type and location of signs.
6. Requiring accessory off-street parking and loading facilities.
7. Defining and limiting the powers and duties of the administrative officers and bodies as provided herein.
8. Providing for the change and amendment of such Titles and boundaries of the respective districts.
9. Prescribing penalties for the violation of the provisions of this Title or of any amendment thereto.

## TITLE 2 ZONING

### CHAPTER 2 GENERAL PROVISIONS

- 2-2-1 Allowable Use of Land or Buildings
- 2-2-2 Intent and Purpose
- 2-2-3 Control Over Bulk
- 2-2-4 Accessory Buildings, Structures and use
- 2-2-5 Yards, General
- 2-2-6 Obstructions to Sight Visibility Near Street intersections
- 2-2-7 Permitted Obstructions in Required yards
- 2-2-8 Required Yards for Lots Adjoining Residential Districts
- 2-2-9 Landscaped Buffers or Screening Required for Lots Between Certain Zoning Districts
- 2-2-10 Fences
- 2-2-11 Satellite Dish Antennas
- 2-2-12 Flood Plain Area
- 2-2-13 Annexation; Procedure for Zoning
- 2-2-14 Exceptions
- 2-2-15 Incorporation of Zoning Map
- 2-2-16 Separability

#### SECTION 2-2-1 ALLOWABLE USE OF LAND OR BUILDINGS

The following uses of land or buildings listed below are allowable in the district indicated hereinafter of this Title under the conditions specified.

- A. Uses lawfully established on the effective date hereof.
- B. Permitted uses as designated in the Titles for each district.
- C. Special uses as designated in the Titles for each district.
- D. Uses for which application for development approval has been applied for under the Peoria County Zoning Ordinance prior to the adoption of this ordinance providing that the permit, variances, or special uses are approved, and that such construction is initiated within six (6) months of such approval and is diligently pursued to completion. See Title 11, Fee Schedule.

#### SECTION 2-2-2 INTENT AND PURPOSE

In all districts, after the effective date hereof, and subject to the provisions as set out in Chapter 8 of this Title on non-conforming uses:

- A. Any tract of land may be used.
- B. Any lawfully existing or new building or other structure may be used; relocated, enlarged, converted, extended, reconstructed, or altered within the limits set forth below.
- C. The use of any lawfully established existing building or other structure, or tract of land may be continued, changed, extended, or enlarged.

The above shall apply for any use or special use allowed by the Titles for the district in which such building or other structure, or tract of land is located, and for no other purpose, and shall conform to all other Titles set forth in the Titles for the district, and in all other applicable Titles contained herein.

SECTION 2-2-3 CONTROL OVER BULK

All new buildings shall conform to the Titles established herein for the district in which each building is located. Further, no existing buildings shall be enlarged, reconstructed, structurally altered, converted or relocated in such manner as to conflict, or further conflict, with the bulk Titles of this Title for the district in which such building shall be located.

SECTION 2-2-4 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.

SECTION 2-2-5 YARDS, GENERAL

- A. All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building or buildings). Maintaining the required spaces for yards, other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space or minimum lot area requirements for any other building.
- B. No improved lot shall hereafter be divided into two (2) or more lots and no portion of any improved lot shall be sold, unless all improved lots resulting from each such subdivision or sale shall conform with all the applicable bulk Titles of the zoning district in which the property is located.
- C. No yards, now or hereafter provided for a building existing on the effective date of this Title, shall subsequently be reduced below, or further reduced if already less than minimum yard requirements of this Title for equivalent new construction.

SECTION 2-2-6 OBSTRUCTIONS TO SIGHT VISIBILITY NEAR STREET INTERSECTIONS

No obstructions to sight visibility shall be permitted within twenty (20) feet of a zoning lot corner formed by the intersection of any two (2) street lines except for obstructions of less than three (3) feet in height or for those obstructions greater than three (3) feet in height, that portion of the obstruction between three (3) feet and ten (10) feet in height shall be no greater than fourteen (14) inches in diameter.

SECTION 2-2-7 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

The following shall not be considered obstructions when located within a required yard. In no case shall the following list of permitted obstructions in yards validate permanent construction where otherwise prohibited:

- A. In any yard.
  - 1. Air conditioning unit.
  - 2. Arbor or trellises.
  - 3. Chimneys projecting not more than two (2) feet into the yards.
  - 4. Decorative lawn ornaments and garden furniture.
  - 5. Fences complying with Chapter 2, Section 2-2-10.
  - 6. Flagpoles, not exceeding thirty-five (35) feet in height.
  - 7. Open porches and decks, not roofed (including railings not more than thirty-eight (38) inches in height) provided no closer than ten (10) feet to the front lot line, eight (8) feet to the side lot line or ten (10) feet to the rear lot line where no rear alley exists or no closer than three (3) feet to the rear lot line where a rear alley exists.

8. Ornamental light standards not over nine (9) feet in height.
9. Outdoor coin telephones and telephone booths (where permitted).
10. Signs in conformance with Chapter 9 of this Title.
11. Steps.
12. Terraces.
13. Trees and shrubs.
14. Accent walls as an extension of a building, not exceeding three (3) feet in height.

B. In any rear yard.

1. Accessory non-commercial greenhouses, provided not over one hundred fifty (150) square feet.
2. Accessory off-street parking space or open or enclosed garage. (Ord. 1997-11)
3. Single accessory shed, tool room, or other similar building or structure for domestic or agricultural storage provided not over one hundred fifty (150) square feet and not more than fifteen (15) feet in height and no closer than five (5) feet to the rear lot line where no alley exists or three (3) feet to the rear lot line where a rear alley exists. Nothing in the West Peoria Zoning regulations, as amended from time to time, is intended to apply to buildings or structures that are less than twenty-five (25) square feet in floor area and less than five (5) feet in height. (Ord. 2000-22)
4. Children's play equipment.
5. Recreational or drying clothes yard equipment.
6. Satellite dish antennas meeting the requirements of Chapter 2, Section 11 of this Title.
7. Swimming pools, private.
8. Television antennas.

(Ord. 1996-3, 1997-11, 2000-22)

C. In any front yard.

1. Driveways leading to garages or accessory off-street parking spaces located beyond the required front yard.
2. Parking for single family or duplex residence on a driveway leading directly to a garage or other approved accessory off-street parking spaces.

D. In any side yards.

1. Non-commercial radio and television towers and antennas.
2. Open accessory off-street parking spaces, not including garages or carports.
3. Satellite dish antennas meeting the requirements of Chapter 2, Section 2-2-11 of this Title.

**SECTION 2-2-8 REQUIRED YARDS FOR LOTS ADJOINING RESIDENTIAL DISTRICTS**

- A. In any commercial or industrial district, where a side lot line coincides with a side lot line or rear lot in an adjacent residential district, a side yard shall be provided with at least the width set forth in the following table, and in any commercial or industrial district where a rear lot line coincides with a side lot line or rear lot line in an adjacent residential district, a rear yard shall be provided with at least the depth set forth in the following table:

<u>District</u>	<u>Minimum Width of Side Yard (in feet)</u>	<u>Minimum Depth of Rear Yard (in feet)</u>
B-1	10	25
B-2	10	25
I-1	20	30
I-2	20	30

- B. No yard required by this section shall be used for storage or processing of any kind. No side yard required by this section shall be used for accessory off-street loading.

SECTION 2-2-9

LANDSCAPED BUFFERS OR SCREENING REQUIRED FOR LOTS BETWEEN CERTAIN ZONING DISTRICTS

Newly established industrial uses adjacent or backing on residential or business districts, or newly established business uses adjacent or backing on residential districts, or newly established multi-family uses adjacent or backing on single-family uses, shall provide and continuously maintain parallel to and the following distance within that property line a dense hedge, tree row or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another. Failure to maintain landscaped buffers or screening shall be considered a violation of this ordinance.

Plant materials for landscaped screening shall be of general type and size at the time of planting as follows. Where landscape screening is required, a plan shall be provided at the time of submission of the application for zoning permit indicating the type, size, location and spacing of plant materials to form the landscape screen.

- A. Evergreen Trees: Juniper, Fir, Spruce, Pine, Douglas-Fir.

At time of planting, Evergreen trees shall be a minimum of five feet (5') in height with twenty foot (20') spacing and planted ten feet (10') within the property line.

- B. Narrow Evergreen Trees: Columnar Hinoki Cypress, Pyramidal Red-Cedar, Pyramidal White Pine, Douglas Arbor-Vitae, Columnar, Juniper, Swiss Stone Pine, Hatfield or Hicks Yews, Columnar Giant, Arbor Vitae.

At time of planting, Narrow Evergreens shall be a minimum of three feet (3') in height with six foot (6') spacing and planted three feet (3') within the property line.

- C. Small Trees: Flowering Crab, Redbud, Hornbeam, Magnolia, Dogwood, Hawthorn, Hop Hornbeam.

At time of planting, Small Trees shall be a minimum of four feet (4') in height with ten feet (10') spacing and planted five feet (5') within the property line.

- D. Large Deciduous Shrubs: Honeysuckle, Mock-Orange, Lilac, Cotton-Easter, Euonymus, Viburnum, Forsythia, Rose of Sharon, Privet, Sumac.

At the time of planting, Large Deciduous Shrubs shall be a minimum of five feet (5') in height with five foot (5') spacing and planted two and one-half feet (2 ½') within the property line.

- E. Large Deciduous Trees: Oak, Hackberry, Planetree (Sycamore), Ginkgo, Linden, Hard Maple, Birch, Beech, Honeylocust.

At the time of planting, Large Deciduous Trees shall be a minimum of eight feet (8') in height with thirty foot (30') spacing and planted fifteen feet (15') within the property line.

- F. Privacy fences not exceeding six (6) feet in height are permitted in the required side and rear yards as a buffer between certain zoning districts (Ord.2019-40)

SECTION 2-2-10

FENCE REQUIREMENTS

- A. Fence Requirements in Residential Districts:

No person shall construct or erect a fence within the City without first having received a permit from the Zoning Officer. Applications for a fence permit shall be submitted with the appropriate fee to the Zoning Officer. No fence or fences may be constructed or erected which do not comply with the following (see Exhibit A for more help):

- 1. Front yard fences on interior and corner lots: Ornamental fences at least fifty percent (50%) open and not exceeding four (4) feet in height are permitted in front yards. Privacy and chain link fences and are not permitted in the front yards of any lot. (Ord. 2001-04, 2021-44)

2. Side yard and rear yard fences on interior lots: Ornamental, chain link and privacy fences not exceeding six (6) feet in height are permitted in the side and rear yards of interior lots.
3. Side yard fences on and fences at the rear of corner lots: Ornamental and privacy fences are permitted on corner lots provided they meet the following criteria:
  - a) When the fence is adjacent to an intersection of a street and/or alley, the triangle bounded on two (2) sides by the intersecting property lines, measured ten (10) feet in each direction from their point of intersection and on the third side by the diagonal line connecting the ends of the ten (10) foot sides must be maintained for visibility purposes.
  - b) When the fence is next to an alley, it must be erected within the property boundaries.
  - c) Privacy fences may not be constructed or erected beyond the front line of the principal structure.
4. Fences to contain no dangerous materials: No fence may be constructed with or contain barbed wire, metal spikes (not to include wrought iron), or any other sharp pointed materials. Chain link fences shall be constructed with the barb portion of the fence at the bottom of the fence. No fence may be electrified.
5. The unfinished or rough side of all fences must face the interior side of the lot.
6. Unfinished or rough side of all posts must face the interior side of the lot.
7. Double sided fences are allowed
8. Stock fences are prohibited within the City limits. Snow fencing, and construction fences are only allowed during construction.
9. No setback is required
10. Maintenance of fences is the responsibility of the property owner.
11. Fences must be constructed of standard commercial materials intended for fences.

(Ord. 2021-44)

**B. Fence Requirements in Business and Industrial Districts:**

No person shall construct or erect a fence within the City without first having received a permit from the Zoning Officer. Applications for a fence permit shall be submitted with the appropriate fee to the Zoning Officer. No fence or fences may be constructed or erected which do not comply with the following (see Exhibit A for more help):

1. Front and side Yard Fences on Interior and Corner Lots, Rear Lot Fences: Ornamental fences at least fifty percent (50%) open and no more than four (4) feet in height are permitted in the required front yards of business and industrial lots. Privacy fences are permitted on the side street side of a corner lot provided they comply with the required yards or if no yards are required, the required street setback. Interior lot line side yard fences and rear yard fences may be constructed within the required yards. Chain link fences are prohibited in the front yard of any lot.
 

(Ord. 2001-04)
2. Fence height: No fence may exceed eight (8) feet in height.
3. Sharp Materials on Fences to be Six (6) Feet Above Ground: No fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials within the B-1 and B-1-O District, or if within the B-2 or I-Industrial District, unless the sharp pointed materials are at least six (6) feet, but not more than eight (8) feet above ground and permitted by Variance.
 

(Ord 2002-09)
4. When the fence is adjacent to an intersection of a street and/or alley, the triangle bounded on two (2) sides by the intersecting property lines, measured ten (10) feet in each direction from their point of intersection and on the third side by the diagonal line connecting the ends of the ten (10) foot sides must be maintained for visibility purposes.
5. The unfinished or rough side of all fences must face the interior side of the lot.
6. Unfinished or rough side of all posts must face the interior side of the lot.
7. Double sided fences are allowed

- 8. Stock fences are prohibited within the City limits. Snow fencing, and construction fences are only allowed during construction.
- 9. No setback is required
- 10. Maintenance of fences is the responsibility of the property owner.
- 11. Fences must be constructed of standard commercial materials intended for fences.

(Ord. 2021-44)

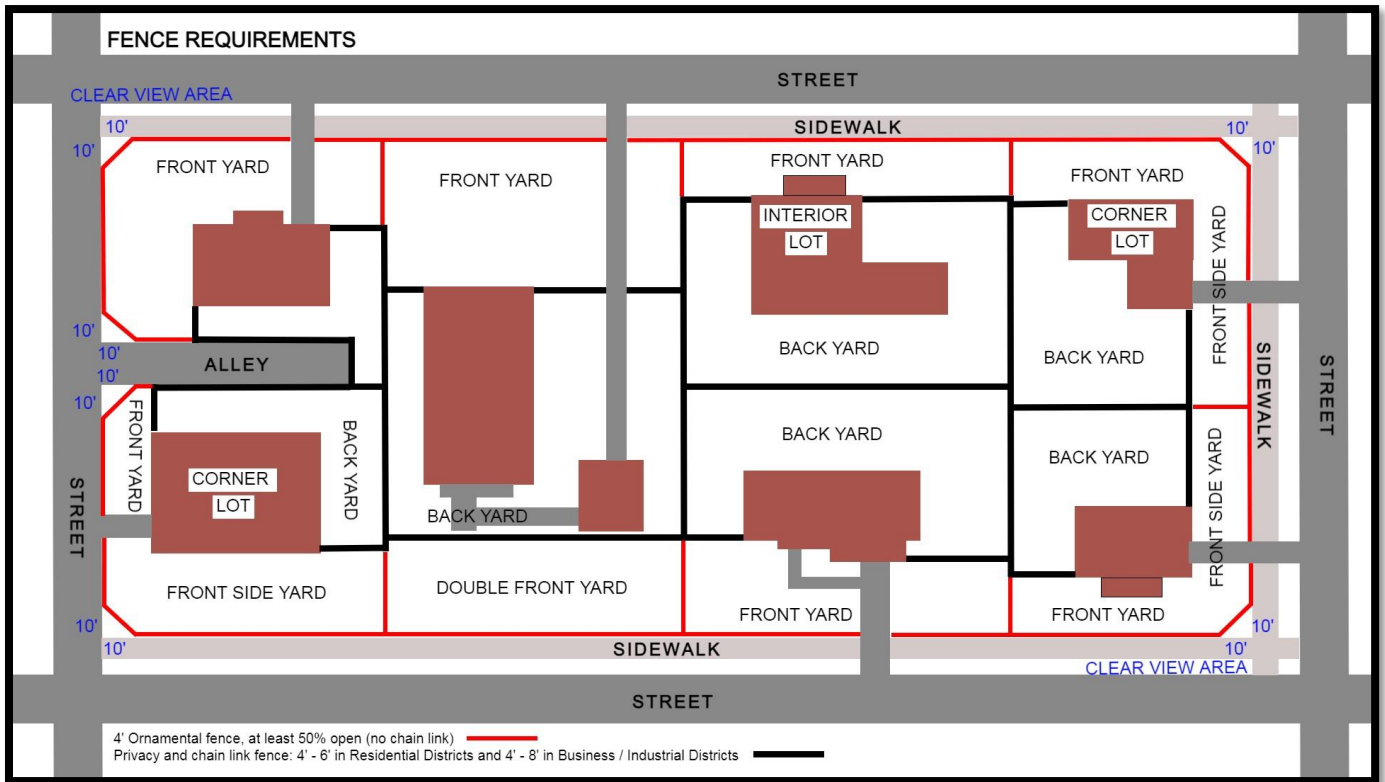
C. Variations of Fence Requirements: Application for a variation of the above provisions shall be made in the same manner as provided for other variations of this Title.

D. Sports and Recreational Fencing: Fences erected for purposes of providing fencing around sports or recreation facilities or areas as listed below shall be subject to the height limitations indicated below provided the fence is seventy-five percent (75%) open and that the fence is not within twenty (20) feet of a zoning lot corner formed by the intersection of any two (2) street lines.

(Ord. 1996-03, 2001-04, 2019-40)

<u>Uses</u>	<u>Maximum Height (feet)</u>
Tennis Courts (public or private)	12
Baseball diamond Backstop (public or private)	16
Swimming Pool (public)	8
School Recreation and Sports Areas (public or private)	8

EXHIBIT A.



(Ord. 2019-40, 2021-44)



SECTION 2-2-11            SATELLITE DISH ANTENNAS

- A. Certain satellite dish antennas exempt from Title: Satellite dish antennas of less than thirty (30) inches in diameter and attached to the primary structure are exempt from Title.
- B. In any Residential Zoning district, ground-mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted subject to the following criteria:
  - 1. All installations may be located within the buildable area of the lot, or as a permitted obstruction in side or rear yards according to Chapter 2, Section 2-2-7 of this Title.
  - 2. All possible effort shall be made in setting location of antennas to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
  - 3. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
  - 4. All installations shall include landscape screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments shall completely enclose the antenna.
- C. In any Residential zoning district, roof-mounted satellite dish antenna up to twelve (12) feet in diameter may be permitted by special use, subject to the following criteria:
  - 1. Demonstration by the applicant that compliance with Chapter 2, Section 2-2-11 (B) 1 and 2-2-11 (B) 2 of this Title would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
  - 2. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
- D. In any Business or Industrial zoning district, ground-mounted satellite dish antennas may be permitted subject to the following criteria:
  - 1. All installations shall comply with the maximum height restrictions imposed upon primary uses.
  - 2. All installations exceeding twelve (12) feet in diameter shall be screened with landscape screening from any adjoining residentially zoned land. Such screening can be waived if the antenna is set back a distance at least five (5) times its diameter from the residentially zoned parcel.
  - 3. All accessory-use installations may be located as a permitted obstruction to any required yard as indicated in Chapter 2, Section 7 of this Title.
- E. In any Business or Industrial zoning district, roof-mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted by special use subject to the following criteria:
  - 1. Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control.
  - 2. The height of the proposed installation does not exceed the maximum height restriction imposed for primary uses within the district.
  - 3. Those criteria relating to all special uses listed in Chapter 11 of this Title shall apply.

SECTION 2-2-12            FLOOD PLAIN AREA

No building or structure shall be erected nor fill placed in locations which violates any flood plain-ordinance restrictions for that area.

SECTION 2-2-13 ANNEXATIONS; PROCEDURE FOR ZONING

Any land which may hereafter become a part of the City of West Peoria as a result of annexation shall be classified and placed in the R-1 Zoning District unless the petition for annexation is accompanied by a petition for reclassification or a pre-annexation agreement in which case the regular procedures for public hearing and approval of zoning amendments shall be followed.

SECTION 2-2-14 EXCEPTIONS TO USE AND HEIGHT TITLES

- A. Exception to use Titles: The following uses are exempted by this Title and permitted by easement in any district: Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment for telephone or other communication and electric power, gas, water and sewer lines.
- B. Exceptions to height Titles: The height limitations of this Title shall not apply to the following structures: Cooling towers, church spires, belfries, cupolas, elevator bulkheads and domes not intended for human occupancy; monuments, water towers, derricks, and conveyors.

SECTION 2-2-15 INCORPORATION OF ZONING MAP

The location and boundaries of the districts established by this Title are set forth on the map “City of West Peoria Zoning Districts,” which is hereby incorporated as part of this Title by reference. The Zoning Map, including all amendments thereto, shall be as much a part of this Title as if fully set forth and described herein. Said Map shall be filed with the office of the City Clerk and shall be made available for public reference at all times during which those offices are open.

SECTION 2-2-16 SEPARABILITY

It is hereby declared to be the legislative intent that, if any of the provisions of this Title, or the application thereof to any lot, building or structure or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure or tract of land immediately involved in the controversy. All other provisions of this Title shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be affected.

## **TITLE 2     ZONING**

### **CHAPTER 3            ZONING DISTRICTS**

- 2-3-1 Establishment of Districts
- 2-3-2 Zoning Map
- 2-3-3 Zoning of Streets, Alleys, Public Ways
- 2-3-4 Interpretation of Zoning Boundaries

#### **SECTION 2-3-1           ESTABLISHMENT OF DISTRICTS**

In order to carry out the process of this title, the following zoning districts are hereby established:

- C-O Conservation Overlay District
- R-1 Medium Density Residential District
- R-2 Multi-Family Residential District
- A-1 Agricultural District
- B-1 General Business District
- B-1-O General Business Overlay District
- B-2 Highway and Service Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

#### **SECTION 2-3-2           ZONING MAP**

The location and boundaries of such districts established by this Title are shown on the City of West Peoria, Illinois Zoning District Map, a copy of which is on file at the City Clerk's office.

#### **SECTION 2-3-3           ZONING OF STREETS, ALLEYS, PUBLIC WAYS**

Unless otherwise specified, all streets, alleys, and public ways shall be considered as being in the same zoning district as is abutting land. If a street, alley or public way which has served as the zoning line shall be vacated, such zoning boundary shall remain in the center of the vacation.

#### **SECTION 2-3-4           INTERPRETATION OF ZONING BOUNDARY LINES**

Where uncertainty arises as to the location of zoning district lines, as indicated on the zoning maps, the following shall apply:

- A. Zoning district lines generally following streets, alleys or public ways shall be construed as being on the centerline of such ways unless otherwise indicated.
- B. Zoning lines generally following lot lines shall be construed as being located on lot lines.
- C. Zoning district lines generally following City Limit lines shall be construed as the City Limit Line.
- D. Zoning district lines generally following streams or watercourse shall be construed as the centerline of that stream or watercourse.
- E. When a subdivided lot held in single ownership and being a lot of record of the date of adoption of this Title is indicated as being divided by a zoning boundary, the entirety of such lot shall be in the district with the most intensive permitted types of uses. The order of intensity of types of permitted uses from the least intensive to the most intensive shall be in the same order as indicated in Chapter 2-3-1 of this Title.

- F. Where unsubdivided property is indicated as being divided by a zoning boundary, the actual location of the boundary shall be determined by use of the scale contained on the map, or where dimensions are indicated by such dimensions.
- G. Where physical or natural features at the site are at variance with the zoning map, or in cases where the location of the zoning district line is not clarified by the foregoing, the Board of Appeals shall interpret the location of the zoning district line.

## TITLE 2 ZONING

### CHAPTER 4 CONSERVATION OVERLAY DISTRICT C-O

#### 2-4-1: C-O Conservation Overlay District

##### SECTION 2-4-1: C-O CONSERVATION OVERLAY DISTRICT

The purpose of the C-O Conservation Overlay zone is designed to restrict development in areas of steep slopes or floodways. A. Nature Woodland and Wildlife Preserve.

A. Permitted Uses:

1. Park and Recreational outdoor uses but not including permanent structures.
2. Accessory Uses.

B. Special Uses

Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title.

C. Uses otherwise permitted in the underlying zoning districts as permitted uses or as special uses subject to the public hearing and other special use procedures outlined in chapter 11 and the following conditions.

E. Additional Standards For The Granting Of Special Use In The C-O Conservation Overlay Zone:

In addition to the standards for granting a special use outlined in Chapter 11 of this Title, the following standards shall also be met and the applicant shall provide material demonstrating that:

F. The proposed use will not violate any existing flood plain ordinance;

G. That any proposed hillside use would be so designed to minimize erosion both during and after construction. The applicant shall submit a detailed site development plan prepared by a professional engineer showing proposed construction, grading plan, including walls and drainage structures, and erosion control methods to be utilized, both during and after construction.

## TITLE 2 ZONING

### CHAPTER 5 RESIDENTIAL DISTRICTS

- 2-5-1: R-1 Medium Density Residential District
- 2-5-2: R-2 Multi-Family Residential District
- 2-5-3: A-1 Agricultural District

#### SECTION 2-5-1: R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT

The purpose of the R-1 Residential district is to accommodate single family and two (2) family residential structures at a medium density.

##### A. Permitted Uses:

1. Single-family dwelling.
2. Two (2) family dwelling where one unit is occupied by the resident property owner and both units are located within the principal structure. (Ord. 1998-22, 2021-44)
3. Family care home.
4. Unrelated group family home.
5. Churches.
6. Day care center – resident occupied.
7. Day care home.
8. Governmental offices, police and fire stations, municipal buildings, and parking for these facilities. (Ord. 1998-22)
9. Home occupation.
10. Public open space including customary public parks.
11. Schools, public, denominational, or private accommodating nursery, elementary, or high school grades with adjacent playgrounds and athletic fields, dormitories, and other accessory uses required for operations.
12. Temporary buildings or trailers at construction site but only during period of construction.
13. Temporary or off-seasonal outdoor storage of boats, campers, and other types of recreational vehicles provided not in required side or front yard. Indoor storage of such boats and recreational vehicles is unregulated provided other vehicles stored outdoors on the lot do not exceed the maximum allowed per lot or dwelling unit as specified in Section 2-10-4 of this Title.
14. Accessory uses of buildings providing that where garages for one (1) and two (2) family dwellings are separate from the residence structure the size of the accessory building is limited to the floor area of the first floor of the residence structure of one thousand (1,000) square feet, whichever is less and not exceeding thirty feet (30') or the height of the principal structure, whichever is less. (Ord.2021-44)
15. Accessory uses of buildings on lots holding Tiny dwellings shall be limited to the floor area of the first floor of the Tiny dwelling or one hundred and fifty (150) square feet, whichever is less. (Ord.2021-41)

##### B. Special Uses:

Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title.

1. Bed and breakfast inns.
2. Boarding houses.
3. Colleges and universities.
4. Day care centers non-resident occupied.
5. Day care group homes.
6. Electric and telephone substations.

7. Filtration plants, sewage treatment plants, dumping stations, and water reservoirs.
8. Libraries.
9. Nurseries, not including greenhouses.
10. Public and private outdoor recreation centers including accessory buildings and structures for administration, operation, and maintenance, and club house or pavilion facilities including sale of food and soft drinks.
11. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other uses required for operation.
12. Offices of doctors, dentists, lawyers, accountants, and bookkeepers, tax preparers, architects, engineers, and similar professionals.
13. Aluminum gutter and related products, assembly, sales and service; welding shops; indoor storage; contractors' offices; small engine repair shops or similar uses; provided that the property was being used for one or more of the specified uses on and before March 1996. (Ord. 2004-02)
14. Tiny dwellings other than a mobile home, attached to a permanent foundation, designed for and occupied by no more than three (3) people, with a floor area smaller than 400 square feet, and a height no greater than 20 feet. (Ord. 2021-41)
15. Planned Unit Development, see Chapter 13 of this Title. (Ord. 2009-11)

C. Required Lot Area and Width:

All buildings erected or structurally enlarged in the R-1 Medium Density Residential District shall have the following minimum lot areas and lot widths at the building line. Except, however, lots of record as of the date of adoption of this ordinance may be utilized, although not meeting required lot area and lot width.

1. Single-Family Dwellings on the Interior Lot – Lot area of not less than six thousand (6,000) square feet and a minimum width at the building line of not less than sixty (60) feet.
2. Single-Family Dwelling on Corner Lot- Lot area of not less than eight thousand five hundred (8,500) square feet and a minimum width at the building line of not less than ninety (90) feet.
3. Two (2) Family Dwelling on Interior Lot –Lot area of not less than ten thousand (10,000) square feet and a minimum width at the building line of not less than eighty (80) feet.
4. Two (2) Family Dwelling on Corner Lot – Lot area of not less than eleven thousand two hundred fifty (11,250) square feet and a lot width of not less than one hundred (100) feet.
5. Tiny Dwellings on Any Lot – Lot area minimum of 1,000 square feet and a width at the building line at least 20 feet. (Ord. 2021-41)

D. Required Yard Areas:

All buildings erected or structurally enlarged in the R-1 Medium Density Residential District shall provide or maintain the following minimum yards.

For construction on developed lots:

1. Front yard - twenty-five (25) feet or the average setback of two (2) adjoining developed lots.
2. Side yard.
  - a) Single-Family, Interior Lot –No single side yard less than three (3) feet.
  - b) Single-Family, Corner Lot –No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - c) Two (2) Family, Interior Lot –No single side yard less than three (3) feet.
  - d) Two (2) Family, Corner Lot –No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - e) Tiny, Interior Lot – No single side yard less than three (3) feet. (Ord. 2021-41)
  - f) Tiny, Corner Lot - No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet. (Ord. 2021-41)

3. Rear yard – three (3) feet.

For construction on undeveloped lots:

1. Front yard: Twenty-five (25) feet.
  2. Side yard:
    - a) Single-Family, Interior Lot –Combined total of both side yards of twenty (20) feet and no single side yard less than eight (8) feet.
    - b) Single-Family, Corner Lot –Combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
    - c) Two-Family, Interior Lot –Combined total of both side yards of twenty (20) feet and no single side yard less than eight (8) feet.
    - d) Two-Family, Corner Lot –Combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
    - e) Tiny, Interior Lot – Combined total of both side yards of twenty (20) feet and no single yard less than eight (8) feet. (Ord. 2021-41)
    - f) Tiny, Corner Lot – Combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet. (Ord. 2021-41)
  3. Rear yard – three (3) feet (Ord. 1997-10)
- E. Building Height:  
No building hereafter erected or structurally enlarged shall exceed thirty-five (35) feet in height.
- F. Required Off-Street Parking:  
Required off-street parking shall be as provided in Chapter 10 of this Title.
- G. Building Code to accommodate Tiny houses within the City, must follow a modified Appendix Q of the 2018 International Residential Code under City Property Maintenance and Occupancy Code. (Ord. 2021-41)

## SECTION 2-5-2: R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

The purpose of the R-2 Multi-Family Housing District is to accommodate a variety of housing types including detached, duplex and multiple-family structures.

- A. Permitted Uses:
1. Single-family detached structures.
  2. Two (2) family dwelling.
  3. Multiple-family dwelling.
  4. Family care home.
  5. Unrelated group family home.
  6. Churches.
  7. Day care center – resident occupied.
  8. Day care home.
  9. Governmental offices, police and fire stations.
  10. Home occupation.
  11. Libraries
  12. Public open space including customary public parks.
  13. Schools, public, denominational, or private accommodating nursery, elementary, or high school grades with adjacent playgrounds and athletic fields, dormitories, and other accessory uses required for operations.
  14. Temporary buildings or trailers at construction site but only during period of construction.



15. Accessory uses of buildings providing that where garages for one (1) and two (2) family dwellings are separate from the residence structure, the size of the garage is limited to the habitable floor area of the first floor of the residence structure or one thousand (1,000) square feet, whichever is less.
16. Accessory uses of buildings on lots holding Tiny dwellings shall be limited to the floor area of the first floor of the Tiny dwelling or one hundred and fifty (150) square feet, whichever is less. (Ord. 2021-41)

**B. Special Uses:**

Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title.

1. Bed and breakfast inns.
2. Boarding houses.
  - a) Mobile homes and trailer parks
  - b) Retail sales of new and used mobile homes and trailers, provided such retail sales are connected within a mobile home park or trailer park.
3. Colleges and universities.
4. Day care centers non-resident occupied.
5. Day care group homes.
6. Electric and telephone substations.
7. Filtration plants, sewage treatment plants, dumping stations, and water reservoirs.
8. Nursing homes and rest homes.
9. Public and private outdoor recreation centers including accessory buildings and structures for administration, operation, and maintenance, and club house or pavilion facilities including sale of food and soft drinks.
10. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
11. Offices of doctors, dentists, lawyers, accountants, and bookkeepers, tax preparers, architects, engineers, and similar professionals.
12. Aluminum gutter and related products, assembly, sales and service; welding shops; indoor storage; contractors' offices; small engine repair shops or similar uses; provided that the property was being used for one or more of the specified uses on and before March 1996. (Ord. 2004-02)
13. Tiny dwellings other than a mobile home, attached to a permanent foundation, designed for and occupied by no more than three (3) people, with a floor area smaller than 400 square feet, and a height no greater than 20 feet. (Ord. 2021-41)
14. Planned Unit Development, see Chapter 13 of this Title. (Ord. 2009-11)

**C. Required Lot Area and Width:**

All buildings erected or structurally enlarged in the R-2 Multiple-Family Housing District shall have the following minimum lot areas and lot widths at the building line.

1. Single-Family Dwellings on the Interior Lot – Lot area of not less than six thousand (6,000) square feet and a minimum width at the building line of not less than sixty (60) feet.
2. Single-Family Dwelling on Corner Lot- Lot area of not less than eight thousand five hundred (8,500) square feet and a minimum width at the building line of not less than ninety (90) feet.
3. Two (2) Family Dwelling on Interior Lot –Lot area of not less than ten thousand (10,000) square feet and a minimum width at the building line of not less than eighty (80) feet.
4. Two (2) Family Dwelling on Corner Lot – Lot area of not less than eleven thousand two hundred fifty (11,250) square feet and a lot width of not less than one hundred (100) feet.
5. Multiple-Family Dwelling on Interior Lot – Lot area of not less than fifteen thousand (15,000) square feet or three thousand (3,000) square feet per dwelling unit, whichever is greater, and a minimum width at the building line of one hundred (100) feet. (Ord. 96-03)

6. Multiple-Family Dwelling on Corner Lot – Lot area of not less than eighteen thousand (18,000) square feet or three thousand (3,000) square feet per dwelling unit, whichever is greater, and a minimum width at the building line of one hundred twenty (120) feet. (Ord. 1996-03)
7. Tiny Dwellings on Any Lot – Lot area minimum of 1,000 square feet and a width at the building line at least 20 feet. (Ord. 2021-41)

D. Required Yard Areas:

All buildings erected or structurally enlarged in the R-2 Multiple-Family Housing District shall provide or maintain the following minimum yards.

1. Front yard – twenty-five (25) feet or the average setback of two (2) adjoining developed lots.
2. Side yard.
  - a) Single-Family, Interior Lot – No single side yard less than three (3) feet.
  - b) Single-Family, Corner Lot – No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - c) Two (2) family, Interior Lot-No single side yard less than three (3) feet.
  - d) Two (2) family, Corner Lot-No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - e) Multi-Family, Interior Lot – Combined total of both side yards of twenty-five (25) feet and no single side yard less than ten (10) feet. (Ord. 1996-03)
  - f) Multi-Family, Corner Lot – Combined total of both interior side yards of twenty-five (25) feet and no single interior side yard less than ten (10) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet. (Ord. 1996-03)
  - g) Tiny, Interior Lot – No single side yard less than three (3) feet. (Ord. 2021-41)
  - h) Tiny, Corner Lot – No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet. (Ord. 2021-41)
3. Rear yard - three (3) feet.

For construction on undeveloped lots:

1. Front yard - twenty-five (25) feet.
2. Side yard:
  - a) Single-family, Interior Lot-Combined total of both side yards of twenty (20) feet and no single yard less than eight (8) feet.
  - b) Single-family, Corner Lot-combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - c) Two (2) family, Interior Lot-Combined total of both side yards of twenty (20) feet and not single side yard less than eight (8) feet.
  - d) Two (2) family, Corner lot-Combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - e) Tiny, Interior Lot – Combined total of both side yards of twenty (20) feet and no single yard less than eight (8) feet. (Ord. 2021-41)
  - f) Tiny, Corner Lot – Combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet. (Ord. 2021-41)

E. Building Height:

No building hereafter erected or structurally enlarged shall exceed forty-five (45) feet in height.

F. Required Off-Street Parking:

Required off-street parking shall be as provided in Chapter 10 of this Title. (Ord. 1996-3, 96-21, 1997-10)

- G. Building Code to accommodate Tiny houses within the City, must follow a modified Appendix Q of the 2018 International Residential Code under City Property Maintenance and Occupancy Code. (Ord. 2021-41)

#### SECTION 2-5-3: A-1 AGRICULTURAL DISTRICT

The purpose of the A-1 Agricultural District is to accommodate a variety of housing types including detached, duplex and multiple-family structures in an agricultural environment.

##### A. Permitted Uses:

1. Single-family detached structures.
2. Two (2) family dwelling.
3. Multiple-family dwelling.
4. Family care home.
5. Unrelated group family home.
6. Churches.
7. Day care center – resident occupied.
8. Day care home.
9. Governmental offices, police and fire stations.
10. Home occupation.
11. Libraries.
12. Public open space including customary public parks.
13. Schools, public, denominational, or private accommodating nursery, elementary, or high school grades with adjacent playgrounds and athletic fields, dormitories, and other accessory uses required for operations.
14. Temporary buildings or trailers at construction site but only during period of construction.
15. Accessory uses of buildings providing that where garages for one (1) and two (2) family dwellings are separate from the residence structure, the size of the garage is limited to the habitable floor area of the first floor of the residence structure, the size of the garage is limited to the habitable floor area of the first floor of the residence structure or one thousand (1,000) square feet, whichever is less.
16. Growing crops.

##### B. Special Uses:

Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title.

1. Bed and breakfast inns.
2. Boarding houses.
  - a) Mobile homes and trailer parks
  - b) Retail sales of new and used mobile homes and trailers, provided such retail sales are connected within a mobile home park or trailer park.
3. Colleges and universities.
4. Day care centers non-resident occupied.
5. Day care group homes.
6. Electric and telephone substations.
7. Nursing homes rest homes.
8. Public and private outdoor recreation centers including accessory buildings and structures for administration, operation, and maintenance, and club house or pavilion facilities including sale of food and soft drinks.
9. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
10. Offices of doctors, dentists, lawyers, accountants, and bookkeepers, tax preparers, architects, engineers, and similar professionals.

11. Aluminum gutter and related products, assembly, sales and service; welding shops; indoor storage; contractors' offices; small engine repair shops or similar uses; provided that the property was being used for one or more of the specified uses on and before March 1996.
12. Filtration plants, sewage treatment plants, dumping stations, and water reservoirs.
13. Planned Unit Development, see Chapter 13 of this Title. (Ord. 2009-11)

C. Required Lot Area and Width:

All buildings erected or structurally enlarged in the A-1 District shall have the following minimum lot areas and lot widths at the building line.

1. Single-Family dwellings on the Interior Lot- Lot area of not less than six thousand (6,000) square feet and a minimum width at the building line of not less than sixty (60) feet.
2. Single-Family Dwelling on Corner Lot- Lot area of not less than eight thousand five hundred (8,500) square feet and a minimum width at the building line of not less than ninety (90) feet.
3. Two (2) Family Dwelling on Interior Lot – Lot area of not less than ten thousand (10,000) square feet and a minimum width at the building line of not less than eighty (80) feet.
4. Two (2) Family Dwelling on Corner lot – Lot area of not less than eleven thousand two hundred fifty (11,250) square feet and a lot width of not less than one hundred (100) feet.

D. Required Yard Areas:

All buildings erected or structurally enlarged in the A-1 District shall provide or maintain the following minimum yards.

1. Front yard – twenty-five (25) feet or the average setback of two (2) adjoining developed lots.
2. Side yard
  - a) Single Family, Interior Lot – No single side yard less than three (3) feet.
  - b) Single-Family, Corner Lot – No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - c) Two (2) family, Interior Lot – No single side yard less than three (3) feet.
  - d) Two (2) family, Corner Lot- No single interior side yard less than three (3) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
3. Rear yard - three (3) feet.

For construction on undeveloped lots:

1. Front yard - twenty-five (25) feet.
2. Side Yard:
  - a) Single-family, Interior Lot – Combined total of both side yards of twenty (20) feet and no single yard less than eight (8) feet.
  - b) Single-family, Corner Lot – combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.
  - c) Two (2) family, Interior Lot – Combined total of both side yards of twenty (20) feet and not single side yard less than eight (8) feet.
  - d) Two (2) family, Corner lot – Combined total of both interior side yards of twenty (20) feet and no single interior side yard less than eight (8) feet. For street side yard of a corner lot, a minimum side yard of twenty-five (25) feet.

E. Building Height:

No building hereafter erected or structurally enlarged shall exceed forty-five (45) feet in height.

F. Required Off-Street Parking:

Required off-street parking shall be as provided in Chapter 10 of this Title.

## TITLE 2 ZONING

### CHAPTER 6 BUSINESS DISTRICTS

- 2-6-1:B-1 General Business District
- 2-6-2:B-1-O General Business Overlay District
- 2-6-3:B-2 Highway and Service Business District

#### SECTION 2-6-1: B-1 GENERAL BUSINESS DISTRICT

The purpose of the B-1 General Business District is to accommodate a wide range of retail stores, offices, and service establishments compatible to a central location within the community as the community's primary business center.

##### A. Permitted Uses:

1. Residential uses as permitted in R-2; Special uses permitted in the R-2 district shall only be permitted as special uses in the B-1 district.
2. Retail stores and shops including book and magazine, florist, gift, china and glassware shops, jewelry, watch and clock stores, hobby stores, appliance, hardware, paint and wallpaper stores, furniture stores, and similar uses.
3. Offices of doctors, dentists, lawyers, accountants and bookkeepers, tax preparers, architects, engineers, and similar professions.
4. Art stores and studios, framing shops, auto parts stores, automobile parking lots.
5. Beer, wine and liquor stores, taverns, banks and financial institutions.
6. Barber and beauty shops and schools, nail and tanning salons.
7. Candy and ice cream stores, including stores making commodities for sale only on premises.
8. Drug stores.
9. Governmental offices, police and fire stations.
10. Health food stores.
11. Hotels and Motels.
12. Libraries and reading rooms.
13. Laundromats with not more than three (3) employees on any one (1) shift.
14. Medical and dental clinics.
15. Musical instrument sales and repair, music and dance sales and studios.
16. Pet stores, pet grooming, but not including outdoor runways or kennels. (Ord. 2014-15)
17. Photography studios, camera and photo supply sales, including photo processing as part of the retail business.
18. Post offices.
19. Public meeting halls, clubs, lodges.
20. Real estate and insurance sales offices.
21. Restaurants-general, specialty and fast food, sandwich shops, coffee houses, donut shops.
22. Supermarkets, grocery and dairy stores, meat markets, specialty food stores, bakeries where goods produced are sold only on premises.
23. Swimming pools, public and semi-public as a principal use.
24. Tailor and dress making shops.
25. Telephone or other utility office.
26. Travel agencies.
27. Video rental and sales.
28. Massage Therapy Facility.
29. Catering. (Ord. 2004-03)
30. Retail tobacco stores, as defined by Section 10 of the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), however, when a retail tobacco store is used in conjunction with on-premises

consumption of cannabis, the Special Use procedures for the B-1 zoning classification shall be followed. (Ord. 2021-23)

B. Special Uses:

Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title.

- 1. Automobile sales, service, and rental.
- 2. Day care center – non-resident occupied.
- 3. Drive-in restaurants where food is provided to customers in cars.
- 4. Funeral home, mortuaries, crematories.
- 5. Living quarters above or adjoining business.
- 6. Outdoor amusement enterprises, such as miniature golf, golf driving ranges and similar activities.
- 7. Radio and television broadcasting studios excluding transmitting towers.
- 8. Service, cleaning, or repair shops for personal, household, or garden equipment.
- 9. Veterinarian or animal hospital, but not including outdoor runways or kennels.
- 10. Planned Unit Development, see Chapter 13 of this Title. (Ord. 2009-11)
- 11. Retail tobacco stores with City approval for on-premises consumption of cannabis. A retail tobacco store with City approval for on-premises consumption of cannabis must be compliant with Title 5, Chapter 10 of the City Code of the City of West Peoria, and this shall be a condition of any special use authorized. (Ord. 2021-23)

C. Required Lot Area and Width:

All buildings erected or structurally altered in the B-1 General Business District shall provide or maintain the following minimum yards and building setbacks except for certain lots adjoining residential districts, which shall conform to Section 2-2-8 of this title:

- 1. Required Lot Area-ten thousand (10,000) square feet.
- 2. Minimum lot width-eighty (80) feet.

D. Required Yard Areas and Building Setbacks:

B-1 General Business District shall provide or maintain the following lot areas and lot width at the building line:

- 1. Front yard – none
- 2. Side yard – none
- 3. Rear yard – none
- 4. Building setback from streets – twenty-five (25) feet from the street right of way lines.

E. Building Height:

No building hereafter erected or structurally enlarged shall exceed thirty-five (35) feet in height.

F. Required Off-Street Parking:

Required off-street parking shall be as provided in Chapter 10 of this Title.

SECTION 2-6-2: B-1-O GENERAL BUSINESS DISTRICT OVERLAY ZONE

The purpose of the B-1-O General Business District Overlay Zone is to permit consideration of new or improved business development along Western Avenue in greater depths than otherwise permitted provided such development is harmoniously planned to function well in terms of appearance, vehicle access and parking and other similar considerations and meet the requirements as outlined herein.

A. Permitted Uses:

- 1. Same as permitted in B-1.

B. Special uses

- 2. Same as permitted in B-1.

C. Required Lot Area

Minimum required lot area – the minimum required lot area to be considered for harmonious planned development shall be the area between two (2) adjacent streets intersecting Western Avenue to the depth of the B-1-O Overlay district as indicated on the zoning map. Such property may be developed in up to two (2) separate uses provided no single use is less than thirty percent (30%) of the total frontage between streets.

D. Procedure – Petition for Increased Lot Depth

Where the minimum lot area requirements are met, the applicant can apply for the increased depth as outlined in the B-1-O Overlay district provided the Planning Commission finds the following conditions are met:

1. B-1-O area for total width between adjacent streets is proposed in one (1) or two (2) uses meeting the above area requirements.
2. Site plan review and approval is conducted by the Planning Commission.
3. Appropriate landscaping is provided and thereafter maintained for a strip of not less than ten feet (10') in depth along Western Avenue and not less than six feet (6') in depth along adjacent streets intersecting Western Avenue.
4. Expansion in depth of the business district shall be the same depth for the entire block.
5. Screen fence of six feet (6') in height, materials and design of which are approved by the Planning Commission shall be constructed and thereafter maintained along the rear of the expanded depth commercial district.
6. Any alley within the expanded depth commercial district shall be considered for vacation by the City.
7. Vehicular access, circulation, and parking shall be handled in a planned organized way for the total proposed development or improvement.
8. Night lighting shall be designed to minimize effect on adjacent non-business properties.
9. Outdoor storage or trash facilities shall be obscured from view with a permanent fence or wall on three (3) sides and hinged door(s) on the fourth side.

For the purpose of assuring that the proposed development meets the requirements outlined herein, a site plan of the proposed development is required.

Within sixty (60) days of filing of the proposed development site plan with the City Clerk the Planning Commission shall schedule the request on its meeting agenda and so notify the Planning Commission members, the applicant, and City Council. In its review the Planning Commission members may request such modifications, as it deems appropriate.

Upon the Planning Commission's determination that required conditions are met, they will so advise the City Council. Upon the City Council's concurrence, including any required action for alley vacation, the Zoning Officer will be directed to issue the zoning permit to the full extent of the B-1-O Overlay Zone.

The Zoning Officer shall maintain a copy of the approved site plan, and prior to issuing a certificate of occupancy shall make a determination that the new or expanded business is in compliance with the approved site plan.

## SECTION 2-6-3: B-2 HIGHWAY AND SERVICE BUSINESS DISTRICT

The purpose of the B-2 Highway and Service Business District is to accommodate those businesses which, because of their need for large sites, or heavy use of storage warehousing or trucking large material, equipment, or supplies, are not generally compatible with the more customary, retail and office uses of the B-1 General Business District.

A. Permitted Uses:

1. Business uses permitted in B-1; special uses permitted in the B-1 district shall only be permitted as special uses in the B-2 district unless otherwise specifically provided as a following permitted use.
2. Appliance sales and service, auction houses, auto rental agencies, automotive service stations, auto and truck body repair and customizing.
3. Blueprinting, boat sales, blinds and drapery/sales and installation.
4. Bowling alleys, building material sales but not manufacturing.
5. Catering establishments.
6. Clubs, lodges, fraternal and business organizations, meeting halls, and recreation facilities, carpet, floor covering sales and installation.
7. Drive-in food, refreshment, and other business establishments servicing customers in cars.
8. Dry cleaning and laundry establishments.
9. Exterminating shops.
10. Farm supplies but not to include outdoor storage of farm equipment.
11. Food stores and fertilizer application service.
12. Food and produce wholesale establishments, fuel sales, fruit and vegetable open air markets but not bulk plants.
13. Garages for repair, servicing, and storage of automobiles and trucks, but not to include outdoor storage other than vehicles awaiting repair or pick-up.
14. Hotels and motels.
15. Live bait sales.
16. Machinery sales, but not to include outdoor storage of machinery, mail order stores.
17. Miniature golf courses, monument sales, motorcycle sales and service.
18. Roller rinks and ice skating rinks, print and publishing, orthopedic and medical appliance stores, plumbing, heating and air conditioning shops.
19. Radio and TV facilities including antenna and booster equipment, service, cleaning, or repair shops for personal, household, or garden equipment.
20. Schools; business, trade and professional.
21. Storage, mini-storage, warehousing, and wholesale establishments provided within enclosed buildings.
22. Swimming pool/patio/fencing sales, service and supplies, upholstery, furniture finishing and repair, vending/arcade machine distributor, utility repair and service offices and garages.
23. Veterinarian or animal hospital without outdoor kennels or runways, pet shops, pet grooming.
24. Welding shops, water softener sales/service, window cleaning/janitorial services.

**B. Special Uses:**

Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title.

1. Any of the foregoing operations where outdoor storage of products used or sold on premises is a necessary part of the operation.
2. Adult entertainment performance; adult material sales or rentals where material is accessible to customers on open shelves and/or may be viewed in the establishment provided such establishment is no closer than ¼ miles to any residential district.
3. Automobile, truck and farm equipment sales, including outdoor display or storage.
4. Cartage and express facilities including outdoor storage of goods, motor trucks, and other equipment.
5. Contractors or construction offices and shops such as building, concrete, electrical, masonry, heating, plumbing, refrigeration, and roofing, signs and sheet metal, including any related outdoor storage areas.
6. Firewood sales including outdoor storage.



7. Farm machinery and supplies sales including lots for the outdoor display or storage of new or used farm equipment.
8. Landscape and garden services, garden centers, nurseries and horticultural uses.
9. Mobile home and recreational vehicle sales and storage, not, however, to include storage or parking of occupied mobile homes or recreational vehicles.
10. Monument sales, including outdoor display and storage of monuments.
11. Tattoo parlors.
12. Planned Unit Development, see Chapter 13 of this Title. (Ord. 2009-11)
13. Processing of animal and vegetable products such as tanneries, distilleries, breweries, rendering plants, and slaughterhouses. (Ord. 2019-16)
14. Cannabis business establishments, including processing organizations, dispensing organizations, and transporting organizations, but excluding cultivation centers, craft growers, and infusing organizations. (Ord. 2019-43)

C. Required Lot Area and Width:

All buildings erected or structurally altered in the B-2 Highway and Service Business District shall have the following minimum lot areas and lot width at the building line.

1. Required lot area – ten thousand (10,000) square feet.
2. Minimum lot width – eighty (80) feet.

D. Required Yards and Building Setback

All buildings erected or structurally altered in the B-2 highway and Service District shall provide or maintain the following minimum yards and building setbacks except for certain lots adjoining residential districts which shall conform to Chapter 2, Section 8 of this Title.

1. Front yard – none
2. Side yard – none.
3. Rear yard – none.
4. Building setback from streets – twenty-five (25) feet from the street right of way lines.

E. Building Height:

No building hereafter erected or structurally enlarged shall exceed forty-five (45) feet in height.

F. Required Off-Street Parking:

Required off-street parking shall be as provided in Chapter 10 of this Title.

G. Cannabis Business Establishment Zoning

1. In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
  - a) The organization is licensed by the Department of Financial and Professional Regulation through the State of Illinois;
  - b) The organization has obtained a local license issued by the City of West Peoria;
  - c) The organization is not located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, business day care center, business day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section;
  - d) The organization is not located within 1,500 feet of the property line of an existing medical cannabis dispensing organization or adult-use dispensing organization; and
  - e) The organization shall fully comply with all requirements of the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*) and the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*). (Ord. 2019-43)

## TITLE 2 ZONING

### CHAPTER 7 INDUSTRIAL DISTRICTS

- 2-7-1: I-1 Light Industrial District
- 2-7-2: I-2 Heavy Industrial District
- 2-7-3 Performance Standards

#### SECTION 2-7-1: I-1 LIGHT INDUSTRIAL DISTRICTS

Light Industrial District is to accommodate a wide range of manufacturing and similar industrial facilities which can conform to a high level of performance and can coexist without serious side effects to neighboring properties.

##### A. Permitted Uses:

1. Light manufacturing, fabricating, assembling, packaging, repairing, servicing, and processing of materials, goods, and products provided entirely within enclosed buildings and conforming with the performance standards contained herein. Outdoor storage of materials is not allowed except where such materials are enclosed by a solid fence or wall.
2. Animal hospitals, veterinary clinics, kennels with outdoor runways.
3. Agriculture implement sales and service.
4. Bottling plants, creameries, and dairies.
5. Bowling alleys.
6. Dry cleaning and laundry plants.
7. Greenhouses – wholesale.
8. Lumber yards.
9. Mail order houses.
10. Medical and dental clinics.
11. Offices.
12. Printing facilities.
13. Public utility stations, distribution centers, and regulator stations.
14. Radio and television studios.
15. Research and testing laboratories.
16. Restaurants.
17. Trade schools.
18. Transmitting towers and antennas in conjunction with the principal use on the premises.
19. Wholesale outlets, storage, and warehousing.
20. Sales of used automobiles, including outdoor display or storage.

(Ord. 2011-10)

##### B. Special Uses:

Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title.

1. Storage, sale or distribution, or primary usage of explosive, highly flammable, highly toxic or radioactive materials.
2. Penal and correctional institutions.
3. Sewage treatment plants.
4. Bus or truck garages and storage yards.
5. Planned Unit Development, see Chapter 13 of this Title.

(Ord. 2009-11)

##### C. Required Lot Area and Width:

All buildings erected or structurally altered in I-1 Light Industrial District shall have the following minimum lot areas and lot width at the building line.

1. Required lot area – ten thousand (10,000) square feet.

2. Minimum lot width – eighty (80) feet.
- D. Required Yards and Building Setback:  
No building shall hereafter be erected or structurally enlarged within the I-1 Light Industrial District without providing or maintaining the following minimum required yards:
1. Front yard – thirty (30) feet.
  2. Side yard – twenty (20) feet.
  3. Rear yard – twenty (20) feet.
- E. Building Height:  
Maximum building height of sixty-five (65) feet in the I-1 Light Industrial District.
- F. Required Off-Street Parking:  
Required off-street parking shall be as provided in Chapter 10 of this Title.

## SECTION 2-7-2: I-2 HEAVY INDUSTRIAL DISTRICTS

The purpose of the I-2 Heavy Industrial District is to provide for and accommodate heavy industrial uses in a manner which minimizes adverse effects.

- A. Permitted Uses:
1. All uses permitted “permitted uses: in the I-1 Light Industrial District.”
  2. Any manufacturing, fabricating, assembly and processing of materials and products not allowed as “permitted uses: in the I-1 District” except that uses permitted in the I-1 District as “special uses” shall be permitted in the I-2 District only as special uses.
  3. Cartage and express facilities including storage of goods, motor trucks, and other equipment.
- C. Special Uses:  
Following are permitted as special uses subject to the public hearing and other special use procedure requirements outlined in Chapter 11 of this Title:
1. Uses permitted in the I-1 Light Industrial district as “special uses.”
  2. Manufacturing or processing requiring large quantities of water, producing any quantity of toxic, noxious, corrosive, or explosive, or otherwise hazardous material either as a primary or side product.
  3. Extraction and processing of stone, sand, and gravel including the necessary processing and loading equipment and structures.
  4. Processing of animal and vegetable products such as tanneries, distilleries, breweries, rendering plants, and plants for the production of glue, soap, paint, or varnish. (Ord. 2019-16)
  5. Manufacturing of coal, tar, petroleum, and asphalt products.
  6. Planned Unit Development, see Chapter 13 of this Title. (Ord. 2009-11)
- D. Required Lot Area and Width:  
All buildings erected or structurally altered in I-2 Heavy Industrial District shall have the following minimum lot areas and lot width at the building line:
1. Required lot area – ten thousand (10,000) square feet.
  2. Minimum lot width – eighty (80) feet.
- E. Required Yards and Building Setback:  
No building shall hereafter be erected or structurally enlarged within the I-2 Heavy Industrial District without providing or maintaining the following minimum required yards:
1. Front yard – thirty (30) feet.
  2. Side yard – twenty (20) feet.
  3. Rear yard – twenty (20) feet.
- F. Building Height:  
Maximum building height of sixty-five (65) feet in the I-2 Heavy Industrial District.

G. Required Off-Street Parking:

Required off-street parking shall be as provided in Chapter 10 of this Title.

SECTION 2-7-3 PERFORMANCE STANDARDS

A. General:

Any new use established in I-1 and I-2 Districts after the effective date of this Title shall be so operated as to comply with the performance standards governing: (1) Noise; (2) Vibration; (3) Toxic and noxious matter; (4) Odorous matter; (5) Fire and explosive hazards; and (6) Glare and heat, as set forth hereinafter for the district in which such use shall be located. No use already established on the effective date hereof shall be so altered or modified as to conflict with, or further conflict with, the applicable performance standards established hereinafter for the district in which such use is located. No emission or by-product of any industrial use shall violate or exceed state Titles. It shall be the responsibility of all industrial uses to adhere to such Titles, including the obtaining of necessary permits.

Certification from an engineer or scientific testing laboratory approved by the City Council or its Designee, indicating that the use of the land and all processing either does or will comply with the applicable performance standards, shall accompany application for a zoning certificate. Where standards indicated here differ from those of state agencies, the more restrictive shall apply.

B. Noise: I-1 and I-2 Districts:

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Chapter, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point on the boundary of a Residence or Business District shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below:

<u>Octave Band Frequency</u> <u>(cycles per second)</u>	<u>Along Residence District Boundaries</u>	<u>Along Business District Boundaries</u>
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,000	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
over 4,800	32	39

C. Vibrations; I-1 and I-2 Districts:

- Vibrations within a district shall be controlled so as not to become a nuisance to adjacent uses.
- No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a Residence District

boundary line with a three (3) component measuring instrument approved by the Zoning Administrator and shall be expressed as displacement in inches.

<u>Frequency (cycles per second)</u>	<u>Maximum Permitted Displacement along Residence District Boundaries (Inches)</u>
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

D. Toxic and Noxious Matter; I-1 and I-2 Districts:

No activity or operation shall cause, at any time, the discharge of toxic or noxious matter across lot lines in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to the environment, property, or business. Determination of such adverse effects shall be made by the Zoning Officer.

E. Odorous Matter; I-1 and I-2 Districts:

1. The emission of odorous matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
2. No activity or operation shall cause, at any time, the discharge of odorous matter in such concentrations as to be detectable without the use of instruments at any point along lot lines.

F. Fire and Explosive Hazards; I-1 and I-2 Districts:

1. The manufacture, utilization or storage of pyrographic and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to: Aluminum, bronze and magnesium powder, powdered coal, powdered plastics, flour and feed, spices, starches, sugar, cocoa, sulfur, grain (storage) and wood flour.
2. In the I-1 Districts; the following additional Titles shall apply:
  - a) The storage, utilization or manufacture of solid materials or products ranging from incombustible to subject to moderate burning is permitted.
  - b) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:  
Said materials shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls, or protected throughout by an automatic fire extinguishing system. Or said materials may be stored outdoors, and such storage shall have fifty feet (50') clearance from all property lines.
3. In the I-2 District, the following additional Titles shall apply:
  - a) The storage, utilization or manufacture of solid materials, ranging from incombustible to subject to intense burning is permitted, subject to all applicable rules and Titles.
  - b) The storage and utilization of flammable liquids or materials, which produce flammable or explosive vapors or bases, shall be permitted in accordance with the Titles of the Office of The State Fire Marshall of the State of Illinois, or any successor agency.

G. Glare and Heat: I-1 and I-2 Districts:

Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed

sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Zoning Officer.

## TITLE 2 ZONING

### CHAPTER 8 NONCONFORMING USES

- 2-8-1 Intent
- 2-8-2 Nonconforming Lots of Record For New Single-Family Dwellings
- 2-8-3 Nonconforming Uses of Primarily Open Land
- 2-8-4 Nonconforming Structures Due To Not Meeting Bulk Requirements
- 2-8-5 Nonconforming Uses Within Structures
- 2-8-6 Repairs and Maintenance of Nonconforming Structures
- 2-8-7 Uses Under Special Exception Provisions

#### SECTION 2-8-1 INTENT

Within the districts established by this Title or amendments that may later be adopted there exists:

- A. Lots,
- B. Structures,
- C. Uses of land and structures, and
- D. Characteristics of use

Which were lawful before this Title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Title or future amendments, it is the intent of this Title to permit these nonconformities to continue until they are removed. It is further the intent of this Title that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Title to be compatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination may be continued but shall not be extended or enlarged after the effective date hereof, shall not have attached on a building or premises, additional signs intended to be seen from off the premises, or shall not have the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Title and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

#### SECTION 2-8-2 NONCONFORMING LOTS OF RECORD FOR NEW SINGLE-FAMILY DWELLINGS

In any district in which single family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this Title or amendment thereof, notwithstanding limitations imposed by other provisions of this Title. Such lot must be in separate ownership and not continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area

or width, or both, of the lot shall conform to the Titles for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.

If two (2) or more lots or combinations of lots or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Title, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be undivided parcels for the purpose of this Title, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Title, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Title.

#### SECTION 2-8-3 NONCONFORMING USES OF PRIMARILY OPEN LAND

Where at the time of passage of this Title lawful use of land exists which would not be permitted by the Titles imposed by this Title, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Title.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Title.
- C. If any such nonconforming use is abandoned for a period of six (6) consecutive months, and such abandonment is intentional, then any subsequent uses of such property shall conform to the regulations applicable in the district in which such property is located. (Ord. 2002-06)
- D. No additional structure not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land.

#### SECTION 2-8-4 NONCONFORMING STRUCTURES DUE TO NOT MEETING BULK REQUIREMENTS

Where a lawful structure exists at the effective date hereof of amendment of this Title that could not be built under the terms of this Title by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its value (including land value) at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Title. However, acts of peril, beyond the property owner's control, shall not be grounds for discontinuing a nonconforming use.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the Titles for the district in which it is located after it is moved.

(Ord. 1996-3, 1998-23, 2001-04)

#### SECTION 2-8-5 NONCONFORMING USES WITHIN STRUCTURES

If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, of structure and premises in combination, exists at the effective date of adoption or amendment of this Title, that would not be allowed in the district under the terms of this Title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:



- A. No existing structure devoted to a use not permitted by this Title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Title, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special permit be changed to another nonconforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Title.
- D. If any such nonconforming use is abandoned for a period of six (6) consecutive months, and such abandonment is intentional, then any subsequent uses of such property shall conform to the regulations applicable in the district in which such property is located. (Ord. 2002-06)
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the value (including land value) at the time of destruction. However, acts of peril beyond the property owner's control shall not be grounds for discontinuing the non-conforming use.

**SECTION 2-8-6                    REPAIRS AND MAINTENANCE OF NONCONFORMING STRUCTURES**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the nonconforming structure or portion of structure shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the Titles of the district in which it is located.

Nothing in this Title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

**SECTION 2-8-7                    USES UNDER SPECIAL PERMIT PROVISIONS**

Any use which is permitted as a special use in a district under the terms of this Title (other than a change through Zoning Board of Appeals action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

## TITLE 2 ZONING

### CHAPTER 9 SIGN TITLES

- 2-9-1 Purpose
- 2-9-2 Types of Signs Defined
- 2-9-3 General Application of Sign Titles; Sign Permit Required
- 2-9-4 General Regulations for Signs
- 2-9-5 Sign Regulations Within Residential Districts
- 2-9-6 Sign Regulations Within Business Districts
- 2-9-7 Business Signs Within Industrial Districts

#### SECTION 2-9-1 PURPOSE

The following regulations are provided to maintain the attractiveness and orderliness of the City, and to protect public safety.

#### SECTION 2-9-2 TYPES OF SIGNS DEFINED

All definitions applicable in this chapter are found in Chapter 12 of this Title. (Ord. 2001-02)

#### SECTION 2-9-3 GENERAL APPLICATION OF SIGN TITLES; SIGN PERMIT REQUIRED

No sign, outdoor advertising structure or display of any character shall be permitted except in conformity with the following regulations. A sign permit is required for erection, construction, placement or replacement of any sign to be permanently attached to a building or to be permanently erected as a free-standing sign. See Title 11, Fee Schedule.

#### SECTION 2-9-4 GENERAL REGULATIONS FOR SIGNS

- A. Flashing, Moving, Glaring Sign Prohibited: No illuminated business sign shall be of excessive brightness or shall flash, scintillate or move. Time and temperature or message signs not otherwise prohibited under this Title will be allowed, provided they do not create hazardous or annoying glare.
- B. Signs Not to Interfere With Traffic Control Signs: No business sign shall be so located as to hide from view or so illuminated as to interfere with the effectiveness of any traffic-control device or signal.
- C. Signs Not to Obstruct Motorists' View: No business sign or sign structure shall be located in such a manner as to materially impede the motorist's view at any street or highway intersection.
- D. Signs Exempt From Regulations of this Chapter:
  - 1. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice;
  - 2. Signs erected or maintained by a public agency or official;
  - 3. Signs required by law to be displayed by a public utility for directional warning or informational purposes;
  - 4. Informational and directional signs (which may include a corporate identity symbol);
  - 5. Residential nameplate signs of not more than one (1) square foot, one per dwelling except those on corner lots which may have one nameplate sign facing each street.
  - 6. Temporary special event signs and banners for commercial, community and not-for-profit sponsored events, provided same are not in use more than fourteen (14) consecutive days.

7. Temporary garage, yard or moving sale signs, real estate sale or open house signs, and construction project signs, provided same are removed promptly after such sale, open house or project completion.
  8. Temporary, child-operated refreshment stand signs.
  9. Temporary election or political signs provided, where said signs promote a particular candidate(s) or issue(s) for a particular election. They shall be removed within seven (7) days after such election. No such sign shall, however, exceed eight (8) square feet in area in residential districts and thirty-two (32) square feet in area in non-residential districts. (Ord. 2001-02)
- E. Sign Pasting or Painting on Walls Prohibited; Signs Not Face Adjacent Residential District: No sign shall be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot which shares a lot line and is located in a residential district, except for those signs permitted in residential districts as provided herein.
- F. Civic Organization Signs on Entry Roads: Signs indicating the time and place of meetings of civic organizations are permitted on the main entry roads into town provided only one sign structure is utilized to accommodate all such notices on each major entry road.
- G. Portable Signs Prohibited: Portable signs mounted on wheels or a chassis so as to be readily moved from place to place are prohibited and must be removed within six (6) consecutive months of the effective date of this Title. It is also impermissible to use such signs by attaching them permanently to the ground, a pole or any building, and such signs are not made non-portable simply by removal of any wheels or chassis. (Ord. 2000-29)
- H. Off-Premise Signs Prohibited: Off-premise signs are prohibited.
- I. Interpretations of Sign Size Limitations Or Various Sign Types: The maximum size limitations herein apply to each facing of a sign structure.
- J. Limits on Business Signs Extending Into Public Right-Of-Way: No free-standing business sign shall extend over the right-of-way line of any street or highway. Where existing commercial buildings have no front or side yards or setbacks from the street or road right-of-way, an attached, low silhouette sign may project up to one (1) foot over the right-of-way line.
- K. Signs to Be Maintained: All signs shall be maintained in good and safe structural condition. The painted portions of signs shall be periodically repainted and kept in good condition. Illuminated signs shall be kept in proper working order.
- L. Certain Non-Conforming Signs May Continue: Except where otherwise stated herein, any sign in existence on the effective date of this Title which does not comply with the provisions herein may continue in existence as a matter of right and may be maintained and repaired pursuant to the provisions of Chapter 8 of this Title. If non-conforming signs are to be replaced, they shall only be replaced by signs in conformity with sign requirements of the Title.
- M. Signs to Be Placed Only With Consent Of Property Owner: No sign or part thereof shall be located on any private property without the consent of the owner, holder, lessee, agent or trustee.
- N. Removal of Inappropriate Commercial Signage: All signage no longer appropriate for or germane to the business enterprise conducted at that location shall be promptly removed. (Ord. 2001-02)

## SECTION 2-9-5 SIGN REGULATIONS WITHIN RESIDENTIAL DISTRICTS

The following sign regulations shall pertain to all residential districts:

- A. Residential Signs Within Residential Districts:
  1. Building identification Signs for Multiple-Family Dwellings: For each multiple-family dwelling, identification signs indicating only the name and address of the building and the name of the management, not exceeding a total of sixteen (16) square feet in area. Such

signs may not be closer than eight feet (8') to any other zoning lot. On a corner lot, identification signs shall be permitted on each street.

2. Project Identification Sign for Multi-Building Residential Projects: A residential project having a number of buildings shall be permitted one additional sign at the major entry with the name of the project only. Such sign shall be not greater than thirty-two (32) square feet in area and located not closer than sixteen feet (16') to any other zoning lot.
3. Sign Height and Projection: No attached sign shall project higher than one (1) story or ten (10) feet, whichever is lower, above the curb line. No free-standing sign shall project higher than seven (7) feet above the curb line. No attached sign shall project more than (12) inches from the wall to which it is attached.
4. All single family, two-family, and multi-family dwellings shall have the street address numbers of such dwelling prominently displayed on the front yard side of the dwelling or primary building thereon and readily visible from the street. (Section 9-6(A) incorporates this provision for Business Districts.) (Ord. 2000-24)

B. Non-Residential Signs Within Residential Districts:

1. Church Bulletins, Cemetery Signs, Educational Institutions, Social Facilities, And Other Similar Uses: A single identification sign not exceeding twenty (20) square feet except that on corner lots, two (2) twenty (20) square foot signs will be permitted, one facing each street.
2. Non-Conforming Business Signs: Non-conforming business uses may have exterior signs not exceeding twelve (12) square feet.
3. Parking Signs: Signs designating parking area entrances or exits are limited to one (1) sign for each entrance or exit of no more than three (3) square feet gross sign area for each sign face. One additional sign shall be permitted designating the conditions of use and name of business served by the parking provided the sign does not exceed nine (9) square feet. No advertising is permitted on parking area signs.
4. Sign Height and Projection: No attached sign shall project more than one (1) story or ten (10) feet above the curb line and more than twelve (12) inches from the wall to which it is attached. No free-standing sign shall project higher than seven (7) feet.

- C. Any other provisions of this Title notwithstanding, the operator of a public or private outdoor recreation center may erect temporary fabric or vinyl on premises or off premises signs at the following locations, provided that the signs are in use for no more than one (1) race season or still in use more than one hundred-eighty (180) calendar days from their first date of use, whichever is shorter:

Along the interior perimeter of the facility so as to be visible to spectators.

All such signs shall be legible and maintained in good condition with no tears, cracks, peeling paint or other conditions which detract from the appearance of the signs. (Ord 2010-35)

## SECTION 2-9-6 SIGN REGULATIONS WITHIN BUSINESS DISTRICTS

- A. Sign uses permitted in residential districts shall also be permitted in business districts. The regulations covering permitted uses in residential districts shall also apply in business districts.
- B. Business Signs In the B-1 Districts: In the B-1 Business District, business signs are permitted subject to the following conditions:
  1. Area of Attached and Free-Standing Business Signs: The gross area in square feet of all signs attached to the wall of a building shall not exceed fifteen (15) percent of the wall area to which it is attached or of which it is a part where a protective canopy exists over a pedestrian walkway. Under canopy signs are permitted provided no closer than nine (9) feet to the sidewalk underneath the signs. The gross area of all free-standing signs shall not exceed one (1) square foot of area per each lineal foot of frontage on the zoning lot.

2. Height and Projection Of Signs: No free-standing business sign shall exceed twenty-five (25) feet in height. No attached building sign shall project more than twelve (12) inches from the wall to which it is attached, nor extend above the roof line.
  3. Integrated Shopping and Office Centers: For integrated shopping and office centers in single ownership or under unified control, one additional free-standing sign other than those provided for in the B-1 District above, shall be permitted subject to the following:
    - a) Sign Content: Such signs shall indicate only the name and location of such center and the name and type of business of each occupant of the center.
    - b) Sign Area: The gross area in square feet of such additional sign lot shall not exceed one times the lineal feet of frontage of such zoning lot.
    - c) Height of Sign: Such sign shall not exceed twenty-five (25) feet in height.
- C. Business Sign In the B-2 District: In the B-2 District, business signs are permitted subject to the following conditions:
1. Sign Area for Attached Business Signs: The gross area in square feet of attached signs shall not exceed twenty percent (20%) of the wall area per fascia to which it is attached or of which it is a part.
  2. Sign Area for Free-Standing Business Signs: The gross area in square feet of all free-standing business signs shall not exceed one (1) square foot per each lineal foot of frontage of the zoning lot.
  3. Height of Business Signs: No free-standing business sign shall exceed twenty-five feet (25') in height. No attached business sign shall project more than twelve (12) inches from the wall to which it is attached nor extend above the roofline.
  4. Additional Free-Standing Business Signs at Integrated Retail And Office Building Or Complex: For integrated retail and office building complexes with more than one building in single ownership or under unified control, one (1) additional free-standing business sign, other than those contained in B-2 District above, shall be permitted subject to the following:
    - a) Content: Such signs shall advertise only the name and location of such center, and the name and type of business of each occupant of the center.
    - b) Area: The gross area in square feet of the additional free-standing business sign on the zoning lot shall not exceed one (1) square foot per each lineal foot of frontage of zoning lot.
    - c) Height: Such additional free-standing business signs shall not project more than thirty feet (30') above the curb level.

## SECTION 2-9-7 BUSINESS SIGNS WITHIN INDUSTRIAL DISTRICTS

The following sign regulations shall pertain to business and advertising signs within industrial districts:

- A. Business Signs Permitted In the I-1 And I-2 Industrial Districts Area Subject to the Following Conditions:
1. Sign Area for Attached Business Signs: The gross area in square feet of attached business signs shall not exceed twenty five percent (25%) of the wall area to which it is attached or of which it is a part.
  2. Sign Area For Free-Standing Business Signs: The gross area in square feet of all free-standing business signs shall not exceed one (1) square foot per lineal foot of frontage on the zoning lot.
  3. Height of Business Signs: No attached business sign shall extend above the roofline. No free-standing business sign shall exceed twenty-five (25) feet in height.

## TITLE 2 ZONING

### CHAPTER 10 OFF-STREET PARKING AND LOADING

- 2-10-1 Purpose
- 2-10-2 Procedure
- 2-10-3 General Requirements Applying to Both Off-Street Parking and Loading
- 2-10-4 Additional Regulations Applying to Off-Street Parking Only
- 2-10-5 Location of Required Off-Street Parking
- 2-10-6 Schedule of Parking Requirements
- 2-10-7 Additional Regulations Applying to Off-Street Loading Only
- 2-10-8 Schedule of Off-Street Loading Requirements

#### SECTION 2-10-1 PURPOSE

The purpose of the following Off-Street Parking and Loading Regulations is to alleviate or prevent congestion of the public streets by establishing minimum requirements for off-street parking and loading of motor vehicles in relation to the property served.

#### SECTION 2-10-2 PROCEDURE

For all uses except one (1) and two (2) family residential structures, an application for a zoning permit for a new or enlarged building, structure, or use shall include a plot drawn to scale and fully dimensioned showing any parking or loading facilities to be provided to meet the requirements specified herein.

#### SECTION 2-10-3 GENERAL REQUIREMENTS APPLYING TO BOTH OFF-STREET PARKING AND LOADING

- A. General Application: No buildings or structures shall be erected or land uses initiated after the effective date of this Title without providing accessory off-street parking and loading as required herein.
- B. Buildings Under Construction: Buildings lawfully under construction or approved for construction prior to the adoption of this Title shall not be required to modify or change the approved plans for off-street parking and loading, provided that such construction is completed within one (1) year from the date of passage of this Title.
- C. Reduction in Parking or Loading Need: When a building or structure shall undergo any decrease in number of dwelling units, gross floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said decrease would result in a requirement for fewer total parking or loading facilities through application of the provisions of this chapter, parking and loading, may be reduced accordingly, provided that existing parking or loading facilities remaining would at least equal the parking or loading requirements as expressed herein when applied to the modified building or structures.
- D. Increase In Parking or Loading Need: When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measurement specified hereinafter for required parking or loading spaces through application of the provisions of the Chapter thereto, parking and loading facilities shall be increased to accommodate only the additional need as a result of such change.
- E. Existing Parking or Loading Not to be Reduced: Accessory off-street parking and loading spaces in existence on the effective date of this Title may not be reduced in number unless already

exceeding the requirements as expressed herein for equivalent new construction; in which event, said spaces shall not be reduced below the number required for such equivalent new construction.

- F. **Parking and Loading for Reconstructing Damaged Nonconforming Uses:** Any nonconforming building, structure or use in existence on the effective date of this Title shall, if partially destroyed by fire, collapse or other cause and permitted to rebuild or reconstruct under appropriate provisions of this Title, provide off-street parking and loading equivalent to those maintained prior to such damage being sustained.
- G. **Parking for Combined Uses at One Location:** Where more than one use for which parking requirements are indicated occurs at a location, parking required shall be either the sum of that required for each separate use or that required for the use requiring the greatest amount of parking, whichever is more.
- H. **Requirements for Off-Street Parking and Loading for Uses Not Specified:** Requirement for Uses Not Specified: Schedule for requirements for the number of off-street parking and loading spaces for various uses is provided herein. The parking and loading requirements for any use not specified shall be the same as the use with parking and loading requirements stated which most closely approximates the proposed use.

#### SECTION 2-10-4      ADDITIONAL REGULATIONS APPLYING TO OFF-STREET PARKING ONLY

- A. **Limitation of Residential Off-Street Parking:** Residential off-street parking accessory to residential uses and provided in accordance with the requirements of this Chapter shall be used solely for the parking of vehicles of the owners, occupants or guests of the property to which said parking is accessory unless off-street space exceeds that required for such vehicles.
- B. **Joint or Shared Off-Street Parking:** Off-Street parking for different buildings, structures or uses may be provided collectively, provided the total number of spaces will equal the total requirements for all such uses sharing the parking facility.
- C. **Guarantee of Off-Site Parking:** For other than one (1) and two (2) family residential structures when required off-street parking is to be provided elsewhere than on the lot on which the principal use is located, the control and continuing availability of the off-site parking will be guaranteed either by deed or long-term lease or recorded easement and the owner shall be bound by covenants properly recorded, requiring the owner, his or her heirs and assigns, to maintain the required number of parking spaces during the existence of the principal use.
- D. **Districts in Which Off-Site Off-Street Parking Accessory To Multi-Family Residential Uses Is Prohibited:** No parking facilities accessory to multi-family residential uses, when provided off-site are to be located in an R-1 residential district.
- E. **Type and Maximum Number of Vehicles to be Stored on Lots in Residential Districts;**
  - 1. Type and maximum number of vehicles to be stored in other than enclosed garages on single and two (2) family lots in Residential Districts.
    - a) **Class I Vehicles:** Vehicles (other than a recreational vehicle) not exceeding twenty (20) feet in length, seven (7) feet in width and eight (8) feet in height.  
Class I Vehicles: Three (3) permitted per single-family lot or per dwelling unit on duplex lot.
    - b) **Class II Vehicles:** Vehicles (other than a recreational vehicle) not a Class I Vehicle not exceeding twenty-three (23) feet in length, eight (8) feet in width and ten (10) feet in height, and if used in business, not exceeding ten thousand (10,000) pounds gross weight including vehicle and maximum load.  
Class II Vehicles: Storage not permitted on lot.
    - c) **Class III Vehicles:** Vehicle (other than a recreational vehicle) dimensions or weight limitations of Class I or Class II Vehicles.

Class III Vehicles: Storage not permitted on lot.

- d) Recreational Vehicle: One (1) permitted per single-family lot or one per dwelling unit on a duplex lot.
- 2. Types and maximum number of vehicles to be stored in other than enclosed garages on multi-family residential lots in Residential Districts:

Any number of Class I and Class II vehicles may be stored on lots in the R-2 District provided that no vehicles will be stored so as to reduce availability of off-street parking spaces below the minimum required for the use or uses directly served by the parking area. No Class III vehicles shall be stored in any parking lot in a Multi-family Residential District.

- 3. Vehicles to be currently licensed and operable:

All vehicles stored, in other than enclosed garages on lots in Residential Districts shall have any required current license and be in operable condition. (Ord. 1997-12)

F. Location and Layout of Off-Street Parking:

- 1. Plans for the layout of off-street parking for the purpose of meeting parking requirements shall be in accordance with the following minimum requirements:

<u>Pattern</u>	<u>Maneuvering- Parking Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Spaces Plus Maneuvering Lane</u>	<u>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</u>
0°*	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
45°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
60°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
90°**	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
* - Parallel Parking.					
** - Perpendicular Parking					

- 2. Interpretation of fractional parking spaces resulting from the application of the following schedule parking requirements shall be as follows: A fractional parking space shall be considered as one (1) parking space.
- 3. All spaces shall be provided adequate access by means of internal maneuvering lanes. Backing onto a street from other than a one (1) or two (2) family residential structure shall be prohibited. Variance may be applied for where other than backing is impractical.
- 4. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided. Parking lot entrances and exits shall be at least twenty-five feet (25') distant from any adjacent residential district.
- 5. Parking is permitted in the required front, side or rear yards as specified in permitted obstructions in yards as outlined in Chapter 2 of this Title.
- 6. For all newly established and expanding uses, all off-street parking areas and driveways are to be hard surfaced as defined in this Title. (Ord. 1997-13)
- 7. Landscaped buffers or screening is required to be provided and continuously maintained for off-street parking areas for any business or industrial use adjacent or backing on a residential district and for any apartment use along any side adjoining an R-1 District. Types and sizes of plant material shall be as provided in Chapter 2, Section 9 of this Title.
- 8. Lighting to illuminate parking areas shall be so arranged as to direct lighting away from adjoining properties.
- 9. It shall be unlawful to park a Class I motor vehicle in a R-1 or a R-2 District unless the motor vehicle shall be parked on a hard surface as defined in this ordinance.

(Ord. 2015-26, 2007-07, Ord. 1997-13)



10. No more than twenty percent (20%) of any front yard nor more than fifty percent (50%) of any rear yard shall be hard surfaced, as defined in this Title, for the purpose of off-street parking. (Ord. 1997-13)
11. On a corner lot, in addition to the foregoing rules, no more than twenty percent (20%) of any side yard shall be hard surfaced, as defined in this Ordinance, for the purpose of off-street parking. (Ord. 1997-13)

G. Handicapped Parking Required:

For any parking area to be used by the general public, oversized handicapped spaces, sixteen feet (16') in width and twenty feet (20') in length shall be provided according to the following schedule:

<u>Required Off-Street Parking</u>	<u>Required Handicapped Space</u>
1-20	1
21-50	2
51-75	3
76-100	4
Each additional 50 Spaces or portion thereof	1 additional space

SECTION 2-10-5 LOCATION OF REQUIRED OFF-STREET PARKING

The off-street parking facilities required for the uses mentioned in the schedule of parking requirements, and for other similar uses, shall be on the same lot or parcel of land as the use they are intended to serve, but in case of other than one (1) and two (2) family residential structures when practical difficulties prevent their establishment upon the same lot, the required parking facilities shall be provided within three hundred feet (300') of the premises to which they are appurtenant. Said distance shall be the walking distance between the nearest point of the parking area to the nearest entrance of the building the parking is to serve. Off-street parking provided on other than the same lot as the use served shall meet the requirements for guarantee of off-street parking as outlined in Chapter 10, Section 4 of this Title.

SECTION 2-10-6 SCHEDULE OF PARKING REQUIREMENTS

A. Parking Required for Residential Uses:

1. One (1) Family Dwelling: Two (2) parking spaces. Garage and drive shall each be considered as one (1) parking space each for single-family residential uses only.
2. Two (2) Family Dwelling: Two (2) parking spaces per dwelling unit. Garage and drive shall be considered as one (1) parking space each per dwelling unit.
3. Tiny Dwelling: One (1) parking space. (Ord. 2021-41)
4. Multi-family Residential: One and one-half (1 1/2) parking spaces for each dwelling unit having one (1) bedroom. Two (2) parking spaces for each dwelling unit having two (2) or more bedrooms.
5. Unrelated Group Family Home: One (1) space for each resident.
6. Family Care Home: One (1) space per employee plus one (1) space for each resident. The resident parking requirement may be waived by the Zoning Officer for those facilities that prohibit ownership or operation of motor vehicles by residents of the facility.
7. Elderly or Senior Housing: One (1) space for each three (3) residents, plus one (1) space for each employee.
8. Mobile Home Parks: Two (2) spaces for each mobile home site, plus one (1) space for each employee of the mobile home park.
9. Lodging, Boarding, and Rooming Houses: One (1) space for each guest at maximum capacity, plus one (1) space for the owner or manager.

B. Parking Required for Institutional Uses:

1. Churches or Temples: One (1) space for each four (4) seats in the main worship hall.

2. Elementary and Junior High Schools: One (1) space for each teacher, employee or administrator in addition to requirements of auditorium, as indicated in Chapter 10, Section 6, (B) 14 of this Title.
  3. Fraternities, Sororities and Dormitories: One (1) parking space for each active member, plus one (1) additional space for the manager.
  4. Libraries: One (1) parking space for each two hundred (200) square feet of floor area.
  5. Medical and Dental Clinics: One (1) parking space for each two hundred (200) square feet of gross floor area, with a minimum of five (5) spaces.
  6. Museums: One (1) parking space, per each four hundred (400) square feet of floor area.
  7. Nursery Schools, Day Care Centers or Day Care Homes: One (1) space for each employee plus two (2) additional visitor spaces.
  8. Nursing and Convalescent Homes and hospitals: One (1) space for each four (4) beds, plus one (1) space for each staff doctor and visiting doctor, plus one (1) space for each two (2) employees.
  9. Private Clubs and Lodges (without sleeping accommodations): One (1) parking space for each four (4) members of the total membership or one (1) space for each two hundred (200) square feet of floor area in the building, whichever is larger.
  10. Private Golf, Swimming, Tennis Club or Similar Use: One (1) space for each four (4) family or individual memberships, plus spaces required for accessory uses such as bar and restaurant areas, as provided for in Chapter 10, Section 6.5 of this Title.
  11. Public Swimming Pools: One (1) parking space for each three (3) persons at maximum capacity.
  12. Public Golf Courses: Six (6) spaces for each golf hole, plus spaces required for accessory bar and restaurant use, as indicated in Chapter 10, Section 6 .5 of this Title.
  13. Senior high Schools: One (1) space for each teacher, employee or administrator and one (1) space for each ten (10) students in addition to requirements of auditorium, as indicated in this section of this Title.
  14. Stadium, Sports Arena, Auditoriums and Gymnasiums: One (1) space for each six (6) seats or twelve feet (12') of benches.
- C. Parking Required for Business and Commercial Uses:
1. Planned Commercial or Shopping Center: One (1) space for each two hundred (200) square feet of usable floor area or retail area.
  2. Beauty Parlor or Barber Shop: Two (2) spaces for each barber or beauty chair.
  3. Bowling Alleys: Four (4) spaces for each bowling lane, plus spaces required for accessory uses such as bar and restaurant.
  4. Convention Halls, Dance Halls, Skating Rinks, Assembly or Exhibition Halls or Other Similar Places of Assembly Without Fixed Seats: One (1) parking space for each one hundred (100) square feet of usable floor area used for assembly.
  5. Establishments Handling the Sale and Consumption on the Premises of Alcoholic Beverages, Food or Refreshments: One (1) parking space for each one hundred (100) square feet of floor area.
  6. Furniture and Appliance Shops, Household Equipment and Repair or Machinery Shops: One (1) parking space for each six hundred (600) square feet of floor area.
  7. Gasoline Service Stations: One (1) space for each lubrication or service stall, plus one (1) space for each two (2) serviced pumps or one (1) space for each four (4) unserviced pumps.
  8. Laundromats and Coin-Operated Dry Cleaners: One (1) space for each four (4) washing or cleaning machines.
  9. Miniature or "Par 3" Golf Courses: Three (3) spaces for each hole, plus one (1) for each employee.
  10. Mortuaries: One (1) space for each one hundred (100) square feet of floor area in the public areas.

11. Motel, Hotel, Bed and Breakfast, or Other Similar Uses: One (1) space for each occupancy unit, plus one (1) space for each owner and employee, plus for motels and hotels, spaces as required herein for accessory uses such as bar and restaurant.
  12. Motor Vehicle Sales and Service: One (1) space for each four hundred (400) square feet of salesroom, plus one (1) space for each auto service stall.
  13. Photo Studio or Video Film Service where retail sales are minor and incidental to the primary service: Two (2) spaces for each employee serving customers.
  14. Retail Stores not Specifically Designated Above: One (1) parking space for each one hundred fifty (150) square feet of retail floor area.
  15. Theaters, Indoor: One (1) space for each six (6) seats, plus one (1) space for each two (2) employees.
- D. Parking Required for Offices and Financial Institutions;
1. Banks, Savings and Loan: One (1) space for each four hundred (400) square feet of usable floor area or customer service area.
  2. Other Business and Professional Offices: One (1) space for each two hundred-fifty (250) square feet of floor area.
- E. Parking Required for Industrial Uses:
1. Manufacturing and Industrial Uses, Research and Testing Laboratories, Laundry and Dry Cleaning Plants, Printing, Binding, Publishing, Assembly of Materials and Products, and Other Similar Uses: One (1) parking space for every two (2) employees on the largest shift, including office workers.
  2. Warehouse and Storage Uses: One (1) parking space for every employee in the largest shift, including office workers.

#### SECTION 2-10-7 ADDITIONAL REGULATIONS APPLYING TO OFF-STREET LOADING ONLY

Location and Layout of Off-Street Loading: Off-Street loading spaces shall be as provided in the schedule of off-street loading requirements. An off-street loading berth shall be a hard-surfaced area of land open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with public streets and alleys. Loading spaces, where required, shall be not less than ten (10) feet in width, forty-five (45) feet in length and fourteen (14) feet in height (10' x 45' x 14'), exclusive of access aisles and maneuvering space. Plans for location and layout of off-street loading areas shall meet the following minimum requirements:

- A. Loading berths shall be no closer than one hundred feet (100') to an adjoining residential zoning district unless completely screened along that adjoining side by a building wall not less than eight feet (8') in height.
- B. Location of loading berths shall not obstruct the visibility at intersections.
- C. Loading berths open to the sky may be located in any required side or rear yard, provided that loading berths within one hundred feet (100') of residential districts are enclosed as specified above. Loading berths shall not be located in front yards or closer to the front street than the building setback.
- D. Fractional loading berth space resulting from the application of the schedule of off-street loading requirements shall be considered an additional loading berth.
- E. Off-street loading areas for office, commercial, and industrial uses shall be hard surfaced with bituminous concrete, A-3, or equivalent.

SECTION 2-10-8            SCHEDULE OF OFF-STREET LOADING REQUIREMENTS

For all property uses where loading or unloading of materials and merchandise is an essential part of such business, the following requirements shall apply:

- A. Hospitals, Sanitariums, and Clinics: One (1) off-street loading space for the first forty thousand (40,000) square feet of gross floor area, plus one (1) additional space for each one hundred fifty (150,000) square feet of gross floor area in excess of forty thousand (40,000) square feet.
- B. Retail Shops, Bowling Alleys, Taverns, Restaurants: One (1) off-street loading space for each structure containing twenty thousand (20,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional space for each one hundred thousand (100,000) square feet of gross floor area in excess of one hundred thousand (100,000) square feet.
- C. Office Buildings, Including Banks, Business and Professional Offices: One (1) off-street loading space for each structure containing forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area plus one (1) additional space for each one hundred thousand (100,000) square feet of gross floor area in excess of one hundred thousand (100,000) square feet.
- D. Furniture and Appliance Outlets, Motor Vehicle Sales, Wholesale Stores, Household Equipment or Machinery Sales: One (1) off-street loading space for each building of ten thousand (10,000) to twenty-five thousand (25,000) square feet of gross floor area, plus one (1) space for each twenty-five thousand (25,000) square feet of gross floor area in excess of twenty-five thousand (25,000) square feet.
- E. Manufacturing, Research and Testing Laboratories, Laundry and Cleaning Plants, Printing, Binding and Publishing, Warehouse and Storage, Processing and Distribution of Materials and Products: One (1) off-street loading space for each fifteen thousand (15,000) to forty thousand (40,000) square feet of gross floor area, plus one (1) space for each sixty thousand (60,000) square feet of gross floor area in excess of forty thousand (40,000) square feet.

## TITLE 2 ZONING

### CHAPTER 11 ADMINISTRATION AND ENFORCEMENT

- 2-11-1 Responsibility for Zoning Administration
- 2-11-2 Procedure for Zoning Administration
- 2-11-3 Interpretation and Relation to Other Ordinance and Restrictions
- 2-11-4 Repeal of Prior Zoning Titles
- 2-11-5 Penalties
- 2-11-6 Fees
- 2-11-7 Plan Commission
- 2-11-8 Zoning Board of Appeals

#### SECTION 2-11-1 RESPONSIBILITY FOR ZONING ADMINISTRATION

The authority for administration of this Title is hereby vested in the Zoning Officer, the Zoning Board of Appeals, the Planning Commission and the City Council as outlined herein.

- A. Duties of the City Council in Administration of this Title: The City Council, in its responsibilities under this Title, shall carry out and perform the following duties:
  - 1. Approve the appointment, by the Mayor, of the Zoning Officer.
    - a) Take action, following procedures as outlined herein on the following:
    - b) Adopting zoning standards, including the Zoning District Map, and take action on subsequent petitions for amendment of such standards.
    - c) Take action on special use applications.
  - 2. Take action on variation applications.
  - 3. Engage professional services as it deems advisable to assist the Planning Commission and/or City Council in review of matters pending before one (1) or more such bodies.
- B. Zoning Officer, Creation of Office, Appointment and Duties: The Zoning Officer of the City shall be appointed for a one (1) Year Term by the Mayor with the approval of the City Council. Term of office shall run from May 1 to April 30. A Deputy Zoning Officer may be appointed in a similar manner to take action on Zoning Officer matters in the absence of the Zoning Officer. Re-appointments are possible.

Duties of the Zoning Officer in Administration of this Title: The Zoning Officer, in his responsibilities under this Title, shall carry out and perform the following duties:

- 1. Issue all zoning and sign permits and maintain records of permits issued. Issue all certificates of occupancy and maintain records of certificates issued.
- 2. Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this Title.
- 3. Maintain necessary forms for permits, appeals, application for zoning amendments, special uses, variances, and other matters required to be acted upon by the Zoning Board of Appeals.
- 4. Inform persons in violation of this Title of the provisions of this Title with which they are in noncompliance and the remedies available to them. Notify the City Council and City Attorney by letter of persons found in violation. Post stop work orders and assess stop work order fees established by City Council. See Title 11, Fee Schedule.
- 5. Maintain permanent and current records of this Title, including, but not limited to copies of zoning ordinances including district maps, all maps, amendments and special uses, variations, appeals and applications therefor.
- 6. Receive, file, and forward to the Zoning Board of Appeals, applications for special uses, or variations and arrange for proper notice for public hearing.

7. Receive, file and forward to the Planning Commission applications for amendments and arrange for proper notice for public hearing. Receive, file, and forward site plan review materials to the Planning Commission in instances where site plan review is required under this Title.
  8. Make recommendation to the City Council and Planning Commission periodically on need for amending and restudy of the provisions of this Title.
  9. Provide such clerical and technical assistance as may be required by the office in the exercise of its duties.
- C. Duties of the Planning Commission in Administration of this Title: The Planning Commission has the following duties and responsibilities under this Title:
1. To receive from the Zoning Officer applications for text and map amendments regarding this Title and the official Zoning Map, respectively, hear and make recommendations upon such applications. Notify City Council of such recommendations.
  2. To receive from the Zoning Officer materials for site plan review in those instances where site plan review is required under this Title.
  3. To, upon its own action, petition for zoning amendments when deemed appropriate.
- D. Duties of the Zoning Board of Appeals in Administration of this Title:
1. Receive from the Zoning Officer, hear and make determinations of appeals filed by any person, office, department, board or bureau aggrieved by a decision of the Zoning Officer and notify the Zoning Officer of such determination.
  3. Receive from the Zoning Officer, hear and recommend variations of this Title in harmony with the general purpose and intent, and only in the specific instances contained in the variation procedures outlined in this Chapter. Notify the Zoning Officer of such variation actions and recommendation to Council.
  4. Receive from the Zoning Officer applications for special exceptions, hear and make determinations consistent with the standards outlined in this Title for granting special exceptions. Notify the Zoning Officer of such decisions and recommendation to Council.
  5. To, upon its own action, petition for zoning amendment when deemed appropriate.
- E. Membership: the Planning Commission and Zoning Board of Appeals shall consist of seven (7) members that reside within the City. Members shall be appointed by the Mayor on the basis of their particular fitness for their duty and subject to approval of the City Council. A person may serve on both the Planning Commission and the Zoning Board of Appeals simultaneously. (Ord. 2019-15)

## SECTION 2-11-2 PROCEDURE FOR ZONING ADMINISTRATION

- A. Zoning Permit Procedure:
1. No zoning permit pertaining to the use of land, structures or buildings or sign permit shall be issued by any officer, department or employee of the City unless the application for such permit has been subjected to review by the Zoning Officer for compliance with this Title. Any permit issued in conflict with the provisions of this Title shall be null and void. Zoning or sign permits shall not be issued to any applicant so long as that applicant is indebted to the City for any prior fees of any type. See Title 11, Fee Schedule, for application fee.
  2. Applications for zoning and sign permits shall be filed in written form with the Zoning Officer on forms prescribed by him indicating:  
For Zoning Permits:
    - a) Legal description and address of the property;
    - b) Name and address of applicant, owner and contractor;
    - c) Uses to be established or expanded;
    - d) Other information deemed appropriate by the Zoning Officer to clearly denote the nature and character of the intended improvement and use.

For Sign Permits:

- a) Address of property;
  - b) Description of sign to be constructed or erected, including location, dimensions, height and clearances (for overhead signs).
3. For all uses, except one (1) and two (2) family residential structures on platted regular shaped lots, the applications for a zoning permit shall be accompanied by a drawing to scale showing the actual dimensions as certified by a land surveyor or licensed civil engineer as a true copy of the lot on which the improvement or use is to be placed, accompanied by a drawing to scale of the location on such lot of the proposed building, structure of use, and accessory buildings; and location and height of any fences or landscape screening proposed to be installed.

For one (1) and two (2) family structures on platted regular shaped lots, the application for a zoning permit shall be accompanied by a dimensioned freehand sketch drawing showing the proposed building, structure or use, nearest distances to lot lines, height of buildings or portions of buildings, and location and height of fences or landscape screening proposed to be installed.

4. The Zoning Officer shall approve or deny the issuance of a zoning permit or a sign permit within ten (10) calendar days of the date of filing for such permit. If not approved within the time limit, the zoning permit shall be deemed to be denied. The Zoning Officer may require, in certain circumstances, that the requested permit application be reviewed by the local Fire Department for its recommendation to the appropriate parties.

(Ord. 1996-03, 1998-23, 2001-04, 2002-11)

5. Such zoning permit or sign permit, once issued, shall be maintained in a prominent location at the premises for which it is issued, and shall not be removed until final inspection and issuance of a certificate of occupancy by the Zoning Officer relative to the zoning permit or until the construction or erection of the sign is complete relative to the sign permit.
6. Work or change in use authorized by zoning permit but not started within ninety (90) days shall require a new permit. Construction or erection of a sign authorized by a sign permit but not started within thirty (30) days shall require a new permit. Permits issued for new building construction or expansion shall require the completion of the exterior of buildings within three hundred sixty (360) days. A permit shall be revoked and notice of violation issued when it shall be found from personal inspection or competent evidence that the rules or Titles under which it has been issued are being violated. See Title 11, Fee Schedule for sign permit fee.

B. Zoning Certificate of Occupancy Procedure:

1. No building or building addition constructed after the effective date of this Title, shall be used for any purpose until a certificate of occupancy has been issued by the Zoning Officer. No change in use shall be made until such certificate of occupancy shall state that the use of occupancy complies with the provisions of this Title.
2. Every application for a zoning permit shall be deemed to be an application for a certificate of occupancy.
3. No certificate of occupancy for the use of a premises for which a zoning permit has been issued shall be issued until construction has been completed, a final inspection made and the premises certified to be in compliance with the plans and specifications for which the zoning permit was issued. No certificate of occupancy shall be issued to any applicant so long as that applicant is indebted to the village for any prior fees of any type. The zoning certificate of occupancy shall be issued or denied within seven (7) days after the Zoning Officer is notified that the building or premises is ready for occupancy.

C. Variance:

1. The Zoning Board of Appeals, after a public hearing, may recommended to the City Council the varying of the regulations of this Title in harmony with their general purpose

and intent only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes finding of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of these regulations.

2. An application for variation shall be filed in writing with the Zoning Officer. The application shall contain such information as the Zoning Board of Appeals may, by rule, require. The Zoning Officer shall arrange proper legal notice, as required by law, and schedule a public hearing before the Zoning Board of Appeals. The required legal notice may be supplemented by such additional form of notice as the Zoning Board of Appeals may, by rule, require.. See Title 11, Fee Schedule. (Ord. 1998-10)
3. The Zoning Board of Appeals shall not recommend to the City Council varying the requirements of this Title, as authorized by this Section, unless it shall first make findings of fact based upon the evidence presented to it in each of the following, evidence of which the petitioner is responsible for demonstrating:
  - a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located.
  - b) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
  - c) That literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
  - d) That the plight of the applicant is due to unique circumstances and does not result from the actions of the applicant.
  - e) That granting the variation requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures or buildings in the same district.
  - f) That the variation, if granted, will not alter the essential character of the locality.
4. No non-conforming uses of neighboring lands or structures, in the same district, and no permitted, special or non-conforming uses of lands or structures in other districts shall be considered grounds for the issuance of a variance.
5. The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Title.
6. The following situations, and only those situations, are permissible areas in which variations from the requirements of this Title are allowed to be recommended by the Zoning Board of Appeals, and granted by the City Council when in accordance with the standards established in this Section:
  - a) To permit a yard less than required by the applicable regulations.
  - b) To permit the use of a lot of record on the effective date of this Title for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than sixty percent (60%) of the required lot area.
  - c) To permit the same off-street parking spaces to qualify as required spaces for two (2) or more uses, provided that the maximum use of such facility by each use does not take place during the same hours of the same days of the week.
  - d) To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.
  - e) To permit a variation in number, size or location of accessory use, accessory area, accessory buildings or structures.



- f) Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power to recommend through variations, or to the City Council, the authority to alter or change the zoning classifications of the Zoning District Map or to permit a use not otherwise permitted by variation; such power and authority being exercised only by the Zoning Amendment Procedure as outlined subsequently herein.
- g) Allowance of barbed wire as a fence material. (Ord. 2017-16)

D. Appeals Procedure:

1. An appeal may be taken to the Zoning Board of Appeals by any person or by any officer, department, board or bureau aggrieved by a decision of the Zoning Officer. Such an appeal shall be taken within forty-five (45) days of the action complained of, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Board of Appeals all the papers constituting a record upon which the action appealed from was taken. See Title 11, Fee Schedule for application fee to appeal Zoning Board decision.
2. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Officer certifies to the Zoning Board of Appeals, after notice of the appeal has been filed with the City Clerk, that by reason of facts stated in the appeal, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed unless by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record in application of the Zoning Officer and on due cause shown.
3. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Zoning Board of Appeals may affirm or may reverse, wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done; and to that end, shall have all the powers of the officer from whom the appeal is taken. The Zoning Officer shall maintain records of all actions of the Zoning Board of Appeals relative to appeals.

E. Zoning Amendment Procedure:

1. Amendments may be proposed by the City Council, the Planning Commission, the Zoning Board of Appeals, or any person, firm, corporation, or organization, provided that any person, firm, corporation, or organization shall have a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or any exclusive possessory interest (with the concurrence of the person holding the freehold interest) which is specifically enforceable in the land which is described in the application for amendment. Any proposal shall set forth names of owners of all beneficial interests in any land trusts wherein a land trust is proposing such amendment.
2. An application for an amendment shall be obtained from and filed with the Zoning Officer. Such applications for zoning amendments shall be in a form so that the application, when complete, including required accompanying material, shall provide such information as required by the Planning Commission for its review. Application for amendments initiated by the Planning Commission, Zoning Board of Appeals or City Council shall include a copy of the minutes of that body approving the filing of an application for zoning amendment.

Applications for zoning amendments initiated by any person, firm, corporation or organization described above as eligible to petition for a zoning amendment, shall not be considered nor scheduled for public hearing until the zoning amendment fee has been deposited with the City Clerk to partially cover the cost of this procedure, and under no condition shall such sum or any part thereof be refunded for failure of said amendment to be enacted into law. See Title 11, Fee Schedule, for application for zoning amendment fee.

3. Once an application for an Amendment has been filed with the Zoning Officer, the Zoning Officer shall arrange proper legal notice, as required by law, and schedule a public hearing before the Planning Commission. (Ord. 1998-11)
4. The Planning Commission shall hold a public hearing on each application for zoning amendment at the time and place scheduled in the public notice. The hearing shall be conducted and a record of proceedings preserved in the manner as from time to time prescribed by the Planning Commission. Where additional information is required for the Planning Commission's review, the Commission, by official action, may continue the hearing to the time and place of the next Planning Commission meeting.
5. Within forty-five (45) days after the close of the hearing on a proposed amendment, the Planning Commission shall make its recommendations to the City Council. On applications for zoning amendments which would change the zoning classification of a particular property, the recommendation shall include findings of fact bearing on the decision. Such findings of fact shall relate to matters such as:
  - a) Existing uses of other property within the general area of the subject property;
  - b) Evidenced recent trends in land use development of the general area;
  - c) Any conditions which render the property less desirable or inappropriate for the uses to which it is presently zoned;
  - d) Availability of other areas already zoned for such uses;
  - e) The zoning amendment, if granted, serves the public interest and not solely benefit the property of the applicant alone.
  - f) The amendment would not be inconsistent with the objectives of the Comprehensive Plan.

In its findings of fact and recommendation to the City Council, the Planning Commission may recommend approval or disapproval, or recommend the change of zoning classification of the subject property to any other more restrictive zoning classification than specified in the public notice.

6. The City Council shall not act upon a proposed amendment to this Title until it shall have received a written report and recommendation from the Planning Commission except, however, an absence of action by the Planning Commission within forty-five (45) days of the public hearing of the matter shall be deemed to be a favorable recommendation. A favorable vote of two-thirds (2/3) of the Aldermen then holding office shall be required to adopt a zoning amendment not recommended by the Planning Commission. (Ord. 2002-12)
7. The City Council, after receiving the recommendation of the Planning Commission, or after the above prescribed time period, if no report is received, and without further public hearing may grant or deny any proposed zoning amendment or may refer it back to the Planning Commission for further study. In case of a written protest against any proposed zoning amendment signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, as to Titles or district, filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of the Aldermen then holding office. (Ord. 2002-12)
8. The City Council shall cause to be published, no later than March 31 of each year, a zoning district map clearly showing the existing zoning uses, divisions, restrictions, regulations and classifications for the preceding calendar year. If, in any calendar year, there are no changes in the zoning uses, divisions, restrictions, regulations, and classifications, no map need be published for such calendar year.

The City Council may establish a fee to be charged each person desiring a copy of such map. Such fee shall be paid to the City Clerk who shall account for such moneys. Such fees shall be applied to defray the cost of publishing the zoning map.

F. Special Uses:

1. Applications for special use may be filed by any person having a freehold interest in land or a possessory interest entitled to exclusive possession (with the concurrence of the person holding the freehold interest), or a contractual interest, which may become a freehold interest, or an exclusive possessory interest, which is specifically enforceable. See Title 11, Fee Schedule, for application fee.
2. An application for a special use permit shall be obtained from and filed with the Zoning Officer. Such application for a special use permit shall be in a form so that the application, when complete, including required accompanying material, shall provide such information as required by the Zoning Board of Appeals for its review. The accompanying material shall include a written statement signed by the applicant as to how the standards for the granting of the special use permit are met. These standards shall include:
  - a) That the proposed use will not adversely affect other property developed or able to be developed to the uses already permitted;
  - b) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or are being provided;
  - c) That adequate measures have been provided to accommodate ingress and egress so as to avoid congestion, not unduly impede surrounding traffic flows, or create hazardous or unsafe conditions;
  - d) That the standards for site development, will be such as to enhance the proposed use and its setting, screen or so locate parking, loading, storage, and less attractive accessory uses away from public view, and to otherwise complement the visual appearance of the area in which the proposed project is to be located. The applicant may offer or the Zoning Board of Appeals may require a development plan and landscape and screening plan as part of the applicant's written statement;
  - e) That the proposed special use, if permitted, will conform to all other requirements of the district in which it is to be located or if not conforming, a listing of necessary variations which will be required subsequent to the granting of the special use by the City Council.
3. Once the special use application has been filed with the Zoning Officer, the Zoning Officer shall arrange proper legal notice as required by law and schedule the public hearing for the next regular Zoning Board of Appeals meeting, which fulfills minimum public notice requirements.
4. The Zoning Board of Appeals shall hold a public hearing on the proposed special use at the time and place scheduled in the public notice. The hearing shall be conducted and a record of the proceedings preserved in the manner as from time to time prescribed by the Zoning Board of Appeals.
5. Within forty-five (45) days of the close of the hearing on the proposed special use, the Zoning Board of Appeals shall make its recommendation to the City Council attaching the applicant's signed statement and any other conditions suggested by the Zoning Board of Appeals. The City Council may grant or deny the special use permit and may modify or attach any additional conditions to which the proposed special use would be subject. The granting of a special use by City Council previously denied by the zoning board of appeals requires a two-thirds (2/3) vote of the City Council in approving such special use.
6. The granting of a special use by the City Council shall constitute authorization for the Zoning Officer to issue a zoning permit for the proposed use subject to any conditions imposed in the granting.
7. Special uses approved by the City Council shall be designated on the Zoning Map by a symbol. Failure of the applicant or other subsequent person, individual, firm, or corporation continuing the special use, from continually maintaining the use in a manner complying with the conditions under which the use was granted, shall constitute a zoning violation subject to the penalties of this Title.

In the event of termination of a special use, permitted uses under the applicable zoning classification shall be the only uses allowed and for which required permits may be issued.

8. Conditions may be imposed upon special uses under this Zoning Ordinance as amended from time to time as follows by recommendation of the Zoning Board of Appeals and approval of the City Council:
  - a) The proposed size of the venture may be limited.
  - b) Number of building units may be limited.
  - c) The number of persons who may live or work in the proposed venture may be limited.
  - d) That any proposed or required landscaping be properly maintained.
  - e) That natural drainage of the parcel not be disturbed in any manner detrimental to surrounding property.
  - f) That all ordinances of the City of West Peoria be complied with.
  - g) That additional buffering be supplied.
  - h) That lighting be installed or used in a particular manner.
  - i) That approval must be obtained from the Zoning Board of Appeals and the City Council to transfer the special use permit.
  - j) That a forfeiture of the special use permit will occur if a violation of the conditions or City ordinances applicable thereto is not corrected within thirty (30) days after written notice of the violation is mailed.
  - k) Also, prior to the granting of any special use, the Zoning Board of Appeals may recommend and the City Council may place such other 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 applicable ordinances. In all cases in which special uses are subject to conditions, the Zoning Board of Appeals may recommend and the City Council may 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.

(Ord. 1999-11)

### SECTION 2-11-3 INTERPRETATION AND RELATION TO OTHER ORDINANCES AND RESTRICTIONS

In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, morals and general welfare. It is not intended by this Title to interfere with, abrogate, annul or repeal any ordinance, rules or Titles previously adopted and not in conflict with any of the provisions of this Title or which shall be adopted pursuant to law relating to the use of buildings or premises, nor is it intended by this Title to interfere with, abrogate or annul any easements, covenants or other agreements between parties, except that where this Title imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or required larger open spaces than other covenants or other agreements, the provisions of this Title shall control.

### SECTION 2-11-4 REPEAL OF PRIOR ZONING TITLES

Upon its adoption and this Title taking effect, any prior existing zoning rules and Titles heretofore applying to West Peoria shall continue in effect, except where the terms of this Title conflict with such rules and regulations, in which case the terms of this Title shall control.

### SECTION 2-11-5 PENALTIES

- A. Violations and Penalties: Any person or any entity which violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Title shall

be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

- B. City Council May Pursue Additional Remedies to Violations: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Title, the proper authorities of the City of West Peoria, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

#### SECTION 2-11-6 FEES

An application for an amendment, special use, variation, appeal, or zoning permit, filed by or on behalf of the owner or owners of the property affected shall be accompanied by the appropriate fee which shall be set by the City Council by resolution as it shall deem necessary from time to time. Application for zoning permit shall also be construed as an application for the certificate of occupancy for which no fee is required.

#### SECTION 2-11-7 PLAN COMMISSION

- A. The Plan Commission will consist of seven (7) members. The original Plan Commission members shall be appointed to serve the following terms:
  - 1. One for one (1) year;
  - 2. One for two (2) years;
  - 3. One for three (3) years;
  - 4. One for four (4) years;
  - 5. One for five (5) years;
  - 6. One for six (6) years;
  - 7. One for seven (7) years.

The successors to each member so appointed shall serve for a term of five (5) years and until their successors are appointed and qualified.

- B. Vacancy. If a vacancy occurs in the office of any commission member, a successor shall be appointed to serve for the unexpired term.
- C. Appointments. Members of the Plan Commission shall be appointed by the Mayor with the advice and consent of the City Council. One of the members shall be named as Chairman at the time of his or her appointment.
- D. Meetings and Rules. All meetings of the Plan Commission shall be held at the call of the Chairman and at such other times as the Plan Commission may determine. All hearings conducted by said Plan Commission under the provisions of the Zoning Ordinance shall be in accordance with the statutes. In all proceedings of the Plan Commission, the Chairman, and in his absence the acting Chairman, shall have the power to administer oaths. The Plan Commission shall keep minutes of its meetings and also keep records of its hearings and other official actions. No hearings shall be conducted without a quorum of the Commission which shall consist of at least four (4) members. The Plan Commission may make recommendations upon the vote of a majority of a quorum. All meetings of the Plan Commissions shall be open to the public. (Ord. 1994-09)

#### SECTION 2-11-8 ZONING BOARD OF APPEALS

- A. The Zoning Board of Appeals will consist of seven (7) members, one of whom shall be designated as Chairman at the time of his appointment. The members and Chairman shall be appointed by the Mayor with the advice and consent of the City Council. Initial members shall be appointed as follows:

1. One for one (1) year;
2. One for two (2) years;
3. One for three (3) years;
4. One for four (4) years;
5. One for five (5) years;
6. One for six (6) years;
7. One for seven (7) years.

The successors to each member so approved shall serve for a term of five (5) years and until their respective successors are appointed and qualified.

B. Vacancy. If a vacancy occurs in the office of the Zoning Board of Appeals, the Mayor with the advice and consent of the City Council shall immediately appoint a replacement to serve the remainder of the term.

C. Meetings and Rules.

1. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. Testimony of witnesses at any hearing shall be given under oath. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or failing to vote indicating that fact, and shall also keep records of its examinations and other official action. Every rule, regulation, amendment, or repeal thereof in every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the City Clerk and shall be a public record.
2. No hearings shall be conducted without a quorum which shall consist of at least four (4) of all the members. Any absent member who certifies that he or she has read a transcript of the proceedings before the Board may vote upon any question before the Board.

(Ord. 1994-09)

## TITLE 2 ZONING

### CHAPTER 12 DEFINITIONS

2-12-1 Rules for Construction

2-12-2 Definitions

#### SECTION 2-12-1 RULES FOR CONSTRUCTIONS

The language set forth in the text of this Title shall be interpreted in accordance with the following rules for construction:

- A. The singular number includes the plural and the plural, the singular.
- B. The present tense includes the past and future tenses and the future, the present.
- C. The word "shall" is mandatory, while the word "may" is permissive.
- D. The masculine gender includes the feminine and the neuter.
- E. All measured distances shall be to the nearest integral foot. If a fraction is one-half (1/2) or less, the integral foot next below shall be taken.
- F. Whenever a word, a phrase or term defined hereinafter appears in the text of this Title, its meaning shall be construed as set forth in the definition thereof. The word "lot" shall include all other structures of every kind regardless of similarity to buildings; and, the phrase "use for" shall include the phrase "arranged for," "intended for," "maintained for," "designed for" and "occupied for".

#### SECTION 2-12-2 DEFINITIONS

**Accessory Use or Building:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. Nothing in the West Peoria Zoning regulations as amended from time to time is intended to apply to buildings or structures that are less than twenty-five (25) square feet in floor area and less than five (5) feet in height. (Ord. 2000-22)

**Alley:** A public way with a width not exceeding twenty feet (20') in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.

**Automotive Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. Uses permissible at an automotive service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automotive service stations, an automotive service station is not a repair garage nor a body shop (see Garage).

**Basement:** A portion of a building located partly underground but having less than one-half (1/2) of its clear floor-to-ceiling height above the average grade of the adjoining ground (see Cellar).

**Bed and Breakfast Inn:** A structure having historical or architectural character occupied as a residence by the property owner and providing overnight accommodations and in some instances, a meal or meals to occupants. The bed and breakfast inn provides guest accommodations of not more than three (3) bedrooms to guests with occupancy of one (1) week or less (see Rooming House).

**Buildable Area:** The total area of the parcel minus the area within the required front, rear, and side yards.

**Building:** Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land (see Structure).

**Building, Accessory:** A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building.

**Building, Detached:** A building surrounded by open space on the same lot.

**Building, Principal:** A non-accessory building in which the principal use of the lot on which it is located, is conducted.

**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 term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:

- A. Size and height of buildings.
- B. Location of exterior walls at all levels in relation to lot lines, street or to other buildings.
- C. All open spaces allocated to buildings.
- D. Amount of lot area provided per dwelling unit.

**Cellar:** The portion of a building located partly or wholly underground, and having one-half (1/2), or more than one-half (1/2), of its clear floor-to-ceiling height below the average grade of the adjoining ground (see Basement).

**City:** The City of West Peoria.

**City Clerk:** The City Clerk of West Peoria.

**City Council:** The City Council of West Peoria.

**City Zoning Board:** The City of West Peoria Zoning Board of Appeals.

**Club or Lodge, Private:** A non-profit association of persons who are bonafide members paying dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

**Curb Level:** The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure, measured at the centerline of such front.

**Day Care Center-Resident Occupied:** Any childcare facility receiving more than eight (8) children for care during all or part of a day in a family home.

**Day Care Center-Non-Resident Occupied:** Any child care facility receiving more than three (3) children for care during all or part of a day in a facility at which the proprietor does not reside.

**Day Care Home:** Any child care facility receiving more than three (3) up to a maximum of twelve (12) children for care during all or part of a day in a family home. The maximum includes the family's natural, foster, or adopted children and all other persons under the age of twelve (12).

**Day Care Group Home:** Any child care facility receiving up to a maximum of sixteen (16) children for care during all or part of a day in a family home. The maximum includes the family's natural, foster, or adopted children and all other persons under the age of twelve (12).

**Developed Lot:** Any lot containing at least one building or structure.

(Ord. 2021-42)

**District:** A section or part of the incorporated or unincorporated portion of the City for which the use Titles are uniform.

**Drive-In Establishment:** An establishment which accommodates patron's automobiles on the immediate premises allowing services to the patrons in their automobiles and/or self-service by the patrons.



**Driveway or Drive:** All hard-surfaced areas leading from the public right-of-way to a hard-surfaced off-street parking area or which are used as hard surfaced parking areas. The terms Drive and Driveway are used interchangeably. (Ord. 1997-09, 1997-14)

**Dwelling, Multiple Family (Apartment):** A detached residential building, surrounded on all sides by open space on the same lot, designed for and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single Family:** A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

**Dwelling, Tiny:** A detached residential dwelling unit other than a mobile home, attached to a permanent foundation, designed for and occupied by not more than three (3) people, with a floor area smaller than 400 square feet, and a height no greater than 20 feet. (Ord. 2021-41)

**Dwelling Unit:** One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis and, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. Dwelling units are intended for use exclusively as living quarters for one (1) family (see Family) and not more than an aggregate of two (2) roomers.

**Dwelling, Two (2) Family** (Ord. 2021-44)

- A residential building containing two (2) dwelling units including designed for and occupied by two (2) families. Or,
- A dwelling unit with its own individual outside entrance in a two (2) family structure where one (1) unit is above the other. Or,
- A dwelling unit in a two (2) family structure where both units share a common outside entrance and interior common foyer or entry hallway.

**Family:** One (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) adults not so related or a group of not more than **10** persons who need not be Family Members, living together as a single housekeeping unit in a dwelling unit. (Ord. 2021-44)

**Family Care Home:** A home housing a group of not more than eight (8) unrelated persons with handicap or impairment, who with assistance or supervision, reside together in a family-type environment as a single housekeeping unit. Excluded from this definition are current or former criminal offenders and persons whose disability arises from current use or addiction to a controlled substance. The persons in supervision shall be considered in addition to the handicapped or impaired persons in determining number of occupants permitted.

**Fence, Ornamental:** A fence more than fifty percent (50%) open and of a decorative style. Ornamental fences shall not be chain link or wire construction. (Ord. 2001-04)

**Fence, Privacy:** A solid fence primarily for providing privacy or visual screening.

**Flood-Plain Area:** That continuous area, adjacent to a stream or stream bed or other natural drainage channels or areas, whose elevation is equal to or lower than the one hundred (100) year flood elevation as established by any Flood Plain Ordinance in effect.

**Garage, Public:** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation (see Automotive Service Station).

**Hard Surface or Hard Surfaced:** A surface composed of Portland cement concrete, white rock, crushed stone no smaller than CA-11, or blacktop. Any Portland cement concrete surface shall be not less than three and one-half (3 ½) inches of concrete with reinforced steel mesh. Any blacktop surface shall contain a compacted aggregate base with a blacktop surface not less than four (4) inches in depth. Any crushed stone surface shall contain crushed stone not less than four (4) inches in depth. (Ord. 1997-14, 1997-09)

**Home Occupation:** An occupation conducted in a dwelling unit, provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visual evidence of the conduct of such home occupation other than one (1) sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- D. No home occupation shall be conducted in any accessory building.
- E. There shall be no direct sales and/or rentals of products off display shelves or racks.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

**Hotel (or Motel):** A building or buildings designed to accommodate individual sleeping units with no provision for cooking facilities and occupied primarily by transient travelers. The term "hotel" includes "inn" and "lodge". The term "motel" includes "motor hotel", "motor lodge", "tourist court" and similar terms.

**Junk Yard:** An open area or fenced-in enclosure where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an auto-wrecking yard but does not include uses established entirely within enclosed buildings.

**Off-Street Loading:** A space, accessible from a street, alley or way, in a building or on a lot for the use of trucks while loading or unloading merchandise or materials.

**Landowner:** A landowner shall mean the legal or beneficial owner or owners of land. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purpose of this Title.

**Lodging Room:** A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

**Lot:** For purposes of this Title, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.

- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.
- D. A parcel of land described by metes and bounds.
- E. Provided, that in no case of division or combination shall any residential lot or parcel be created which does not meet the minimum lot requirements of this Title.

**Lot Area:** The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**Lot, Corner:** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five degrees (135°) or less.

**Lot, Depth:** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**Lot Line:** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the Peoria County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot, Reversed:** A lot on which the frontage is at right angles or approximately right angles [interior angle less than one hundred thirty-five degrees (135°)] to the general pattern in the area.

**Lot, Through:** A lot defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

**Lot, Mobile Home:** The area assigned to a mobile home in a mobile home park.

**Lot Width:** Width of lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street pavement) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the eighty percent (80%) requirement shall not apply. (Ord. 2002-13)

**Mobile Home:** A mobile home is any vehicle or similar portable structure originally constructed with wheels, whether or not the wheels are still contained hereon, and designed and constructed to permit occupancy for dwelling or sleeping purposes.

**Mobile Home Park:** A mobile home park means any plot of ground upon which two (2) or more independent trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

**Motel:** See Hotel.

**Motor Freight Terminal:** A building or premises in which freight is received or dispatched by motor vehicle.

**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 one (1) passenger automobiles or commercial vehicles under two (2) ton capacity. (Ord. 2002-14)

**Planning Commission:** The West Peoria Planning Commission. The term Planning Commission and Plan Commission are used interchangeably.

**Principal Use:** The primary use of an other than vacant lot. A lot will normally have one (1) principal use and permitted accessory uses such as garages or outbuildings related to the principal use.

**Public Service Area:** An area including such uses as fire and police stations, telephone exchanges, radio and television transmitting and relay stations and towers, filter plants and pumping stations and similar uses.

**Recreational Vehicle:** Vehicle utilized for occasional recreational use including boat, trailer, or camper. For purpose of this Title a boat mounted on a trailer shall be considered one (1) recreational vehicle.

**Refuse:** All waste products resulting from human habitation, except sewage.

**Repair Garage:** See Garage, Public.

**Rest Home (Nursing Home):** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for treatment of disease or injury, nor does it include maternity care nor care for mental illness or mental infirmities.

**Rooming House (Tourist Home):** A building, or portion thereof, containing lodging rooms which accommodate three (3) or more persons who are not members of the keeper's family, and where lodging rooms or meals, or both, are provided for compensation.

**Sanitary Landfill:** A method of disposing of refuse by spreading and covering with earth. Where sanitary landfill is referred to in this Title, it shall be construed to be a landfill meeting the regulations of the Illinois Environmental Protection Agency and the Illinois Pollution Control Board.

**Semi-Detached:** See Dwelling Unit.

**Setback:** The minimum horizontal distance permitted between the front line or side line of the building and nearest the street line, disregarding steps and unroofed porches.

**Sign:** A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street.

**Sign, Area:** Sign Area, used interchangeably with "gross sign area," is the area encompassed within the shortest line drawn around the perimeter of the display, message or wording to include all letters and designs which are part of the sign.

**Sign, Business:** A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located, or to which it is affixed.

**Sign, Directional:** A directional sign is a sign that provides instruction regarding parking, driveways, and entrances or exits.

**Sign, Flashing:** Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Title, any moving, illuminated sign shall be considered a flashing sign.

**Sign, Free Standing:** A free standing sign is a sign erected on a freestanding framework supported and affixed by one (1) or more uprights or braces in or upon the ground.

**Sign, Gross Surface Area Of:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Sign, Illuminated:** An illuminated sign is a sign that is illuminated by internal or external light generated or caused by the application of electricity.

**Sign, Informational:** An informational sign is a sign that informs the public of the name of the business or facility located on a particular zoning lot.

**Sign, Low Silhouette:** A low silhouette sign is a sign that is no taller than one (1) foot and no wider than eight (8) feet and no deeper than one (1) foot.

**Sign, Nonconforming:** A nonconforming sign is a sign that complied with the applicable laws when established, but does not conform to the provisions of this Title.

**Sign, Roof:** A roof sign is a sign attached to the roof of a building.

**Sign, Off-Premise:** An off-premise sign is a sign that advertises goods, products, services or facilities or directs persons to a location different from the zoning lot where the sign is installed.

**Sign, Wall:** A sign attached to the wall of a building.

**Special Use:** Use permitted only after public hearing and procedural requirements outlined in Chapter II of this Title. Special use and special exception are used interchangeably.

**Stored:** When referring to parking of vehicles, the parking of vehicles for seventy-two (72) hours or more.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above.

**Street (Avenue, Drive, Place, Road, Terrace, Parkway, Boulevard or Court):** Right-of-way of a required width, which affords a primary means of access to abutting property.

**Street Line:** The dividing line between a lot and a contiguous street.

**Structural Alterations:** Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

**Structure:** Anything erected, the use of which requires a fixed location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, other advertising medium, accessory shed, tool room, or other similar building (whether fixed in location or placed on skids) detached or projecting, shall be construed to be a structure.

**Undeveloped Lot:** Any lot devoid of buildings and structures.

**Unrelated Group Family Home:** Home for a group of not more than five (5) unrelated adults living together as a common household.

**Use:** The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

**Use, Accessory:** See Accessory Use.

**Use, Principal:** See Principal Use.

**Use, Special:** See Special Use.

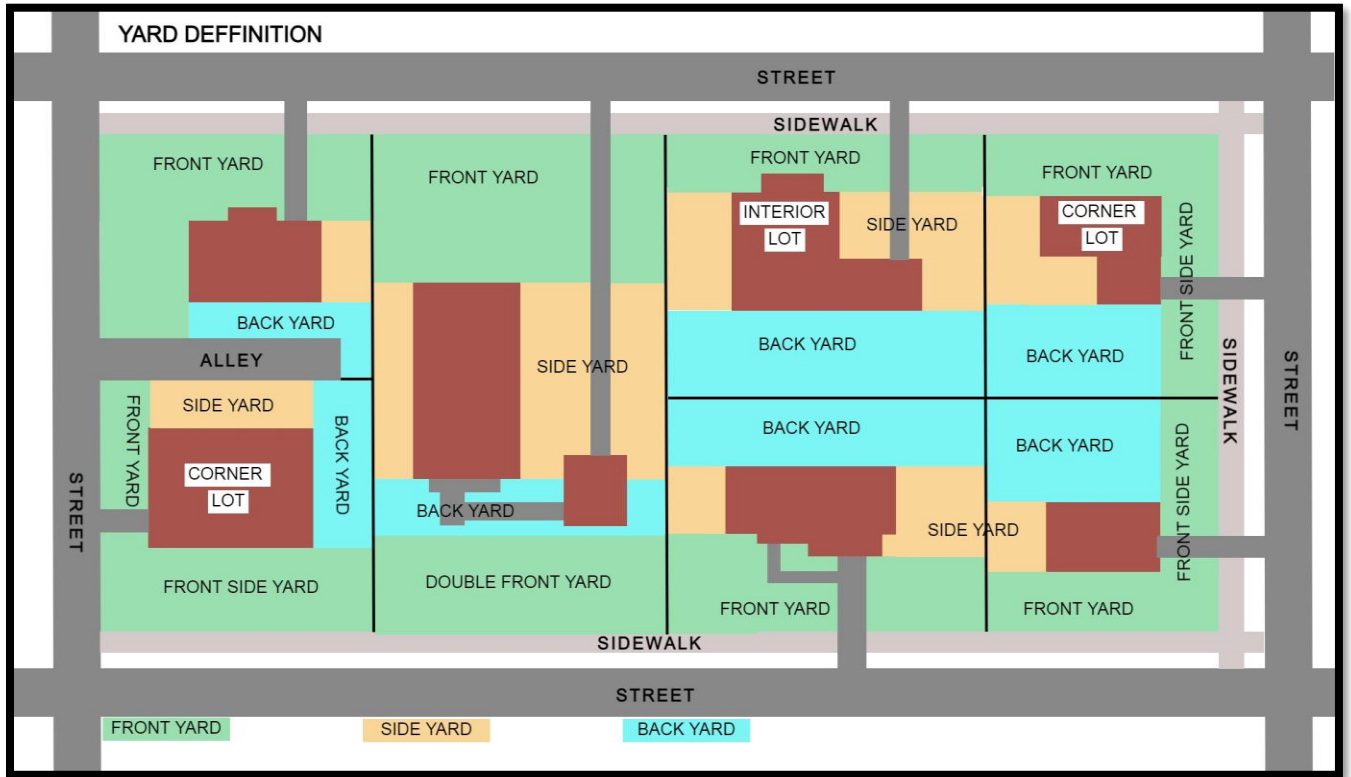
**Yard:** An open space on a lot which is unoccupied and unobstructed by building structures from ground level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located. (Exhibit A.) (Ord. 2019-40)

**Yard, Front:** A yard extending along the full width of the front lot line between side lot lines.

**Yard, Rear:** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

**Yard, Side:** A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, the yard upon which the building fronts shall be considered the front yard. The yard facing the other street shall be considered the side street yard and the yards between the corner yard and adjoining properties shall be interior side yards.

Exhibit A.



(Ord. 2019-40, 2021--44)

**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; and shall provide such yards and other open spaces as herein required.

## TITLE 2 ZONING

### CHAPTER 13 PLANNED UNIT DEVELOPMENT [SPECIAL USE]

- 2-13-1 Purpose
- 2-13-2 Procedure
- 2-13-3 Location
- 2-13-4 Specific Content
- 2-13-5 Standards
- 2-13-6 Conditions and Guarantees
- 2-13-7 Inspections After Development
- 2-13-8 Tiny Dwelling PUDs

#### SECTION 2-13-1 PURPOSE

The purpose of the PUD regulations is to allow more creative and imaginative design for land developments than is possible under the more conventional zoning regulations. In this regard, the bulk and use regulations of any district may be modified within a PUD.

Preservation of natural site qualities, better urban amenities, more open space in and around the project, and a higher quality project are the desired results of the PUD process.

- A. The following objectives are sought through the use of the PUD procedure:
  - 1. To permit a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities.
  - 2. To encourage a pattern of development to preserve natural vegetation, topographic, and geological features and environmentally appropriate features.
  - 3. To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development.
  - 4. To provide for more usable and suitably located recreation facilities and other public and private facilities.
  - 5. To encourage a land use which promotes the public health, safety, comfort, morals, and welfare of the surrounding area, while allowing an economically viable project.
- B. The PUD is intended to provide for projects incorporating a single type or a variety of related uses which are planned and developed as a unit. The PUD should provide amenities otherwise required by law and often establishes facilities and open space greater than the minimums required by law.
- C. The unique and substantially different character of PUD requires their administrative processing as a “special use” in the Zoning Ordinance. PUD are more complex and of a different character than other special uses requiring the establishment herein of specific and addition procedures, standards, and exceptions to guide the recommendations of the Z.B.A. and action of the West Peoria City Council.

#### SECTION 2-13-2 PROCEDURE

A PUD may be granted as a special use in accordance with the procedures and standards of this Article and may depart from the normal procedures, standards, and other requirements of the other sections of the Zoning Ordinance.

Applications shall be made as hereinafter provided and shall be accompanied by the required plats and documents. Detailed plans, drawings, and other information as specified by the Zoning Ordinance shall be required at the time of various meetings and hearing. Each step shall be reviewed and certified by the Zoning Officer as being in accordance with the PUD requirements and the open meetings act.

A. Pre-application Procedure (Optional):

1. **Pre-Application Conference:** Prior to the filing of an application for approval of a PUD, the developer may request of the Z.B.A. an informal meeting to discuss the development of their land and submit an informal proposal therefore. The request for a Pre-Application Conference shall be a part of a regularly scheduled Z.B.A. meeting and shall be established by the West Peoria City Council from time-to-time and the materials set forth in this Article. The Pre-Application Conference is not mandatory. It is intended that the informal proposal submitted will be in preliminary conceptual form, and the substance and detail of the matters presented shall, beyond complying with this Article, be largely within the discretion of the developer. However, the Z.B.A. may request the submission of other specified information and discussion, and no commitments shall be given, nor shall statements or opinions of the Z.B.A. members be deemed binding. No recommendations need to be made to, or acted upon, by the West Peoria City Council.

B. Preliminary Plat Procedure:

1. **Purpose:** The purpose of the Preliminary Plat is to obtain tentative approval and/or commitments from the City that the plans, design, and program that the developer intends to build and follow are acceptable, and that the developer can reasonably proceed into final detailed architecture, engineering, surveying, and landscape architecture in anticipation of Final Plat approval and subsequent construction. This is a relatively detailed submission that assures the developer that their plan is acceptable and that he can invest the money necessary to prepare final plans with the assurance that the Final Plat and plans will be accepted if they substantially conform to the Preliminary Plat and plans. It is at this stage that the final modifications, adjustments and interpretations are made to the conceptual plan.
2. **Procedure:** A request for Preliminary Plat Approval of the PUD shall be submitted to the Zoning Officer who shall refer same to the Z.B.A. for a public hearing and report and recommendation as to whether or not the West Peoria City Council should approve the Preliminary Plat. The required procedure for review of the Preliminary Plat shall be:
  - a) Submission of the following:
    - (i) Application for review of a PUD Preliminary Plat including all information and materials required in this Article.
    - (ii) Four (4) copies of all required information shall be submitted on nothing bigger than eleven by seventeen inch (11" x 17") paper.
    - (iii) The application shall be accompanied by a fee which shall be established by the West Peoria City Council.
  - b) The Z.B.A. shall hold a public hearing on the application for a PUD, in accordance with the procedures of the Zoning Ordinance applicable to Special Uses.
  - c) Following the public hearing on the Preliminary PUD Plat and supporting data, the Z.B.A. shall, within fifteen (15) working days, unless an extension is requested by the petitioner, submit Findings of Fact and a written Recommendation for approval, modification or disapproval, and the reasons therefore, or indicate why a report cannot be rendered to the West Peoria City Council at that time.
  - d) The West Peoria City Council, after receipt of the Findings of Fact and Recommendation from the Z.B.A., shall approve, modify, or disapprove the Preliminary Plat within a period of ten (10) working days, unless an extension is requested by the petitioner. It is within the discretion of the West Peoria City Council to waive specific requirements.
  - e) In the case of approval, or approval with modification, the West Peoria City Council shall pass an ordinance granting the special use and indicate their approval of the Plat and arrange zoning map modifications as necessary. The West Peoria City Council may require such special conditions as they may deem necessary to



ensure conformance with the intent of the planning objectives of the city and the stated purposes of the PUD.

- f) Approval of a Preliminary PUD Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of acceptance to the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat which will be submitted for approval of the city and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. The Final Plat shall be approved if it conforms to the Preliminary Plat. The Preliminary and Final Plat may be filed and approved simultaneously, or the Final Plat may be filed and approved without a Preliminary Plat if all the land is to be developed at one time, and if all requirements of both the Preliminary Plat and Final Plat procedures are met. No building permit shall be issued for any structure until the Final Plat has been filed, approved, and recorded.

C. Final Plat Procedure:

1. **Purpose:** The purpose of the Final Plat 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 space and building sites. The Final Plat is intended as a document to be recorded. The Final Plat shows the exact location of facilities while the Preliminary Plat shows the general location of the same facilities.
2. **Procedure:** The Final Plat shall be submitted as a PUD Plat and shall conform substantially to the Preliminary Plat as approved and, if desired by the developer, may be submitted in stages with each stage reflecting the approved Preliminary Plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations as approved by West Peoria City Council. The required procedure for approval of a Final Plat shall be:
  - a) The Final Plat and supporting data required in this Article shall be submitted, with appropriate comments by the Zoning Officer, to the Z.B.A. for certification that the Final Plat and other required documentation are in conformity with the Zoning Ordinance, and consistent with the approved Preliminary Plat and with any documentation corollary thereto, and conditions of approval thereof, and further for review and recommendation at a public hearing of all architectural, landscaping, and any other aesthetic or other matters remaining to be approved after the Preliminary Plat stage.
  - b) After review of the Final Plat, the Z.B.A. shall, within fifteen (15) working days, unless extension is required by the petitioner, recommend approval or disapproval, and the reasons therefore, to the West Peoria City Council.
  - c) The West Peoria City Council, after receipt of the Final Plat from the Z.B.A., shall approve or disapprove the Final Plat within a period of thirty (30) days, unless an extension is requested by the petition; and if approved, shall pass an ordinance authorizing the PUD and allowing the issuance of all necessary permits.
  - d) Permits are to be issued only after the Final PUD Plat and supporting data have been recorded with the County Recorder of Deeds and shall be issued in full conformance with the Zoning Ordinance. Proof of the recording of the Final Plat shall be provided to the Zoning Officer.
  - e) **Recording the Final Plat:** The Ordinance authorizing construction of the PUD shall be effective only upon recording of the Final PUD Plat and supporting data with the County Recorder of Deeds. The recording of the Final Plat shall inform all who deal with the PUD of the restrictions placed upon the land and act as a zoning control device.
  - f) **Submission Requirements:** The Final Plats must be submitted for approval in accordance with the scheduling approved by the Z.B.A. The Final Plat must be submitted not later than forty-five (45) days from the approval of the Preliminary

Plat and construction as authorized by the issuance of a building permit must begin within ninety (90) days of the date of filing of the Final Plat dealing with such construction. In the event that same is not done, the PUD Special Use shall be null and void and the Z.B.A. and/or the Plan Commission shall initiate such zoning changes as it deems necessary to serve the public interest. If construction falls more than six (6) months behind the building schedule filed with the Final Plat, the West Peoria City Council shall either extend the schedule period or initiate action to revoke the PUD Special Use. Extensions in the building schedule for a six (6) month period may be recommended and granted by the West Peoria City Council.

- g) **Occupancy:** Upon the completion of the PUD, a portion thereof, or an individual building or element of the PUD in full compliance with the Final PUD Plat and supporting data, then and only then may an Occupancy Permit be issued by the Zoning Officer to allow the use of a building or facility.

D. Changes in the Planned Unit Development:

The PUD project shall be developed only according to the ordinance approving the Final Plat and all supporting data. The Ordinance and supporting data together with all amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the PUD project as set forth therein.

Changes to the approved and recorded PUD may be made, as follows:

1. **Major Changes:** Changes which alter the concept or intent of the PUD including the increases in density, increases in the height of buildings, reductions of proposed open space, significant changes in building facility locations, changes in the development schedule, changes in road standards, or other changes may be approved only by submission of a new Final PUD Plat and supporting data and the “Final Plat” procedure. All changes to the “original” Final Plat shall be recorded with the County Recorder of Deeds as amendments to the Final Plat or reflected in the recording of a new “corrected” Final Plat.
2. **Minor Changes:** The Zoning Officer may approve minor changes in the PUD which do not change the appearance, concept, or intent of the development.

SECTION 2-13-3 LOCATION

The PUD is authorized as a Special Use in each of the zoning districts of the Zoning Ordinance.

SECTION 2-13-4 SPECIFIC CONTENT

The PUD Plats and supporting data shall include at least the following information, unless waived by the Z.B.A.

A. Pre-Application Stage

1. **General Site Information:** Data regarding the site conditions, land characteristics, available community facilities and utilities, existing covenants, and other related information.
2. **Sketch Plan:** A drawing showing the proposed location and extent of the land uses, streets, lots, and other features.
3. **Description:** A complete property survey and legal description of the site proposed for development.

B. Preliminary Plat Stage

1. **Detailed Plan:** A drawing of the PUD shall be prepared as a scaled drawing and shall show such designations as proposed streets (public and private), all buildings 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:

- a) Boundary lines – bearings and distance.
- b) Easements – location, width and purpose and what they are for.
- c) Streets on and adjacent to the tract street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, etc.
- d) Utilities: A preliminary engineering study providing information on existing and proposed sanitary, storm, water, and other utilities necessary to adequately service the development.
- e) Ground elevations on the tract.
- f) Other conditions on the tract – watercourses, flood plains, marshes, rocky outcrops, wooded areas, isolated preservable trees one foot (1') or more in diameter, houses, accessory buildings, and other significant features.
- g) Other conditions on adjacent land – approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other nonresidential land uses or adverse influences; owners of adjacent unplanted land; for adjacent platted land refer to subdivision plat by name, and show approximate percent built-up, typical lot size, and dwelling type.
- h) Zoning – show zoning districts on and adjacent to the tract.
- i) Proposed public improvements – highways or other major improvements planned by public authorities for future construction on or near the tract.
- j) 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.
- k) Structures – general location, purpose and height, of each building.
- l) Map Data – name of development, name of site planner, north point, scale, date of preparation, and acreage of site.
- m) Miscellaneous – such additional information may be required by the Z.B.A.
- n) Buffer in a screening manner in accordance with the provisions of the West Peoria zoning ordinance that apply to the newly established multi-family uses adjacent to single-family residential uses or districts.
- o) The project shall employ or retain full time on-site management, including specific responsibility for site security.
- p) Open space between all buildings must be adequate to allow for light and air and access by firefighting equipment.
- q) As determined by the City at the time of issuance of the special use permit, the land uses, intensities, and phasing of the PUD must be consistent with the anticipated ability of the City, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing infrastructure, businesses, and residents.
- r) All plans and aspects of the project must comply with the provisions of the West Peoria Subdivision and Erosion Control Ordinances, unless deviations therefore are granted by the City Council.
- s) The proponent of the proposed PUD shall pay all applicable fees in advance.
- t) Each residential PUD consists of a site that is at least thirty thousand square feet (30,000 ft<sup>2</sup>).
- u) No principle or accessory building shall exceed forty feet (40') in height.
- v) All dedicated streets within a multi-family Residential PUD must meet the minimum specification set forth in the subdivision control ordinance or other applicable City codes governing street specifications at the time of permitting. A dedicated street that provides access to ten (10) or fewer dwelling units may be considered a private drive and shall then conform to the construction standards as determined by the Zoning Officer at the time of permitting.

- w) Except as specifically determined by the West Peoria City Council at the time of issuance of the special use permit, all Residential/Commercial PUD shall conform to the applicable requirements for off-street parking and loading at the time of permitting. The on-site parking of recreational vehicles for more than twenty-four (24) hours shall be prohibited. All Residential/Commercial PUD shall conform to the applicable requirements for signs set forth in the City's sign ordinance or other applicable City codes.
  - x) The placement of exterior lighting.
  - y) If the property is to be served by a private water system a statement by the appropriate health official stating that the proposed water system will be adequate for the proposed use.
2. Objectives: A statement of planning objectives to be achieved by the PUD. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer.
  3. Ownership: Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the County Recorder of Deeds. If legal title to the property is in trust, then a statement of the names and percentage of interest of all the beneficiaries shall be submitted. If legal title to the property is in a corporation, limited partnership or other legal entity then a statement of the names of all persons or entities owning ten percent (10%) or more of the stock or other ownership interest shall be submitted.
  4. Schedule: Development schedule indicating:
    - a) 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. Overall design of each stage shall be shown on the plat and through supporting graphic material.
    - b) Approximate dates for beginning and completion of each stage.
  5. Covenants: Provide proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space. Said covenants shall be provided to and reviewed, and must meet with the approval of, the City Attorney prior to recordation.
  6. Density: Provide information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type, and the number of bedrooms in each dwelling unit type.
  7. Non-Residential Use: Provide information on the type and amount of ancillary and non-residential uses, including the amount of common open space.
  8. Service Facilities: Provide information on all service facilities and off-street parking facilities.
  9. Architectural Plans: Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the following:
    - a) The style, development, and design of the buildings,
    - b) The number, size, and type of dwelling units,
    - c) The floor area of the buildings,
    - d) The type and total ground coverage,
    - e) The height of buildings.
  10. Landscape Plans: Preliminary plans for vegetation, earth sculpturing, berming and aesthetic features shall be submitted.
  11. Facilities Plans: Preliminary plans or information, adequate to indicate that the proposed development can be serviced, shall be submitted for:
    - a) Roads including classification, width of right of way, width of pavement and typical construction details.
    - b) Sanitary sewers.
    - c) Storm drainage.
    - d) Water supply system.

- e) Lighting programs.
  - f) Sidewalks, paths, and trails.
  - g) Direction of water runoff not directed to storm drains.
12. School Impact Study: Provide information on the student load and financial impact on the local school districts, including expected scheduling of potential students.
  13. Tax Impact Study: Provide information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary service to the project.
  14. Traffic Analysis: Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by the PUD. Also, an analysis should be made of the adequacy of the internal vehicular circulation pattern.
  15. Market Study: Provide an economic feasibility study of the proposed development, including information on land utilization and marketing potential. Evidence should be presented showing the need and feasibility of the proposed development.
  16. To the extent the development will include residential condominiums, anything required to be provided to potential purchasers shall be provided as part of the developer's application.

C. Final Plat Stage

1. Final Detailed Plan: A Final PUD Plat, suitable for recording with the County Recorder of Deeds, shall be prepared and submitted to the Z.B.A. for approval. The purpose of the Final Plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land not so treated, into common open areas and building areas. The Final Plat shall include, but not limited to:
  - a) An accurate legal description of the entire area under immediate development within the PUD.
  - b) A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
  - c) An accurate legal description of each separate not subdivided use area, including common open space.
  - d) Designation of the exact location of all buildings to be constructed.
  - e) Certificates, seals, and signatures required for the dedication of lands, and recording the documents.
  - f) Tabulation on separate not subdivided use area, land area, number of buildings, number of dwelling units, number of people per dwelling unit and number dwelling units per acre.
  - g) A plat of annexation if applicable.
2. Common Open Space Documents:
 

All common open space may be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or retained by the developer. A letter on entity letterhead must be presented indicating the approval and acceptance of such open space by the entity. It is the responsibility of the property owner to maintain the property. In any event, the Z.B.A. may require legally binding covenants and other guarantees, in a form approved by the City Attorney, that the common open space will be permanently preserved as an open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien against the individually owned property in the PUD for maintenance and improvement of the common open space. Such documents shall also provide that the city shall have the right, but not the obligation, to perform necessary maintenance of the common open space, and shall have a lien against the individually owned property in the PUD for the costs thereof.
3. Public and Quasi-Public Facilities: All public and quasi-public facilities and improvements made necessary as a result of the PUD shall be either constructed in advance of the approval of the Final Plat pursuant to a permit duly obtained, or a bond or letter of credit in a form

approved by the City Attorney shall be posted to guarantee construction of the required improvements. The bond or letter of credit, payable to the city, shall be sufficient to cover the full cost of the improvements as estimated by the city, plus ten percent (10%). Detailed construction plans shall be submitted for all public and quasi-public facilities to be built. Public and quasi-public facilities shall include, but not be limited to roads, curbs, gutters, sidewalks, street lights, street signs, water, sewer improvements or open spaces, recreational facilities, landscaping, and public parking facilities.

4. Construction Plans: Detailed plans shall be submitted for design, construction or installation of site amenities; including buildings, landscaping, lakes, retention ponds, fire hydrants and other site improvements.
5. Construction Schedule: A final construction schedule shall be submitted for that portion of the PUD for which approval is being requested.
6. If at any time during the construction of the development approved by the special use permit, the Zoning Officer determines that development is not proceeding in accordance with the special use permit as approved, the Zoning Officer may issue a stop work order and collect a stop work fee from the developer.
7. Guarantee Deposit: A deposit shall be made to the city in cash, letter of credit or maintenance bond in a form approved by the City Attorney, equal to fifteen percent (15%) of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the PUD and shall be held by the city for a period of eighteen (18) months from the date of acceptance of the facilities by the city. After such eighteen (18) months, the deposit shall be refunded if no defects have developed, or if any defects have been developed, then the balance of such deposit, if any, shall be refunded after reimbursement for amounts expended in correcting defective facilities.
8. Covenants: Final agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the PUD shall be submitted to the City Attorney for review and approval. Said covenants shall not be recorded without the written approval of the City Attorney.
9. Environmental Hazard/Clean-up: The procedures for the investigation and remediation of any environmental hazard must meet the requirements of the Illinois Environmental Protection Act.

## SECTION 2-13-5 STANDARDS

The PUD must meet the following standards:

- A. **Size and Ownership:** the site of the PUD must be under single ownership and/or unified control and be not less than thirty thousand square feet (30,000 ft<sup>2</sup>).
- B. **Compatibility:** The PUD shall be demonstrated by the developer to be of a type, and to be so located as to exercise no or as very little as possible undue detrimental influence upon surrounding properties, and to be compatible with surrounding uses.
- C. **Need:** A showing of the desirability of the plan and its benefit to the community as a whole must be made.
- D. **Yards:** The required yards along the periphery of the PUD shall be at least equal in width or depth to that of the adjacent zoning district or districts.
  1. Buildings of more than twenty-four feet (24') in height shall provide a set-back from any property line of not less than equal to the height of such buildings.
- E. **Parking Requirements:** Adequate parking shall be provided as required in other sections of the Zoning Ordinance.

- F. **Traffic:** Adequate provision shall be made to provide ingress and egress so designated as to minimize traffic congestion on the public streets and promote safety.
- G. **Other Standards:** The PUD may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the zoning district in which the property is located, so as long as the PUD will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

SECTION 2-13-5            CONDITIONS AND GUARANTEES

Prior to the granting of any PUD, the Z.B.A. with the approval of the West Peoria City Council **or the West Peoria City Council** may require, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation, and other elements of the PUD as deemed necessary for the protection of the public interest, protection of the adjacent area, and to secure compliance with the standards specified in this Article. In all cases in which PUD are granted, the West Peoria City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

SECTION 2-13-5            INSPECTIONS AFTER DEVELOPMENT

The Zoning Officer shall inspect the special use on an annual basis to determine whether the conditions of the special use continue to be met. If the Zoning Officer finds that any of the conditions have been violated, he shall take appropriate enforcement action and may submit the matter to the West Peoria City Council who shall have the authority to revoke the special use permit. (Ord. 2009-11)

SECTION 2-13-8 TINY DWELLING PUDS

Where Tiny dwellings are developed through a PUD, the development shall conform to the following regulations in addition to existing zoning regulations. If there is a contradiction between these regulations and other zoning regulations, these regulations will govern:

- A. Each dwelling unit shall have a minimum floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional planned occupant. Total floor must be smaller than 400 square feet and a height no greater than 20 feet.
- B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- C. The minimum width of a Tiny dwelling must be at least 8.5 feet, with a maximum of 20 feet.

(Ord. 2021-41)