

**ZONING COMMISSION MEETING
THURSDAY, MARCH 3, 2011
CITY HALL, SUITE 400 – 1:00 PM**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF JANUARY 6, 2011 MINUTES**

4. PUBLIC HEARINGS

Deliberations will be held at the end of each case after public comment has been closed. No public comment is allowed during deliberations.

CASE NO. ZC 11-05B

PUBLIC HEARING on the request of Barb Drake of First Baptist Church to amend an existing Special Use Ordinance No. 14,084 as amended, in a Class R1 (Single Family Residential) District for a Church to add a community activity center and community garden and including existing conditions for the property located at **411 W. Lake Avenue, Peoria, IL.** (Council District 3)

CASE NO. ZC 11-06B

PUBLIC HEARING on the request of Ben Porush of 3 Diamond Development to amend an existing Special Use Ordinance No. 13,920 as amended, in a Class R3 (Single Family Residential) for an Elderly Housing Facility for the property located at **3616 N Sheridan Road, Peoria, IL.** (Council District 2)

CASE NO. ZC 11-A

PUBLIC HEARING on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code related to Fees.

CASE NO. ZC 11-D

Request of the City of Peoria to discuss and approve the **2010 Zoning Commission Annual Report.**

CASE NO. ZC 11-E

PUBLIC HEARING on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code related to Inflatable Signs for business grand openings and Temporary Signs.

CASE NO. ZC 11-F

PUBLIC HEARING on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code, related to Mechanical Equipment Screens.

- 5. DISCUSSION ON THE 2011 WORK PLAN**
- 6. CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION**
- 7. OTHER BUSINESS**
- 8. ADJOURNMENT**

Inquiries: Leah Allison, (309) 494-8667 or lallison@ci.peoria.il.us

TO: City of Peoria Zoning Commission

THRU: Site Plan Review Board

FROM: Leah Allison, Senior Urban Planner, Zoning Commission Staff

DATE: March 3, 2011

SUBJECT: **PUBLIC HEARING ON THE REQUEST OF BARB DRAKE OF FIRST BAPTIST CHURCH TO AMEND AN EXISTING SPECIAL USE ORDINANCE NO. 14,084 AS AMENDED, IN A CLASS R1 (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR A CHURCH TO ADD A COMMUNITY ACTIVITY CENTER AND COMMUNITY GARDEN AND INCLUDING EXISTING CONDITIONS FOR THE PROPERTY LOCATED AT 411 W. LAKE AVENUE, PEORIA, IL. ZC 11-05B (COUNCIL DISTRICT 3)**

PETITIONER: Barb Drake, First Baptist Church

LOCATION: 411 W. Lake Avenue, Peoria, IL

REQUEST: To amend an existing Special Use for a Community Activity Center and Community Garden

PROPERTY CHARACTERISTICS

The subject property contains 5.6 acres and is currently developed with a church. The property is zoned R1 (Single Family Residential) and surrounded by R3 (Single Family Residential) to the north, south, east, and west.

SUMMARY OF PROPOSAL

The petitioner is proposing to construct a community activity center and community garden along the west portion of the property. This area is currently an open grass yard between the church parking lot and Wyss Lane.

The proposed community center is a 1,700 sq. ft. single story building. An additional 460 sq. ft. is noted as future expansion on the north side of the building. The front door faces east, with a sidewalk to the existing church parking lot. Per the applicant, the building will be constructed of residential style roofing, windows, and siding. The building will primarily be used by church groups and neighborhood groups for education, recreation, business meetings, and social activities.

The proposed community garden is located south of the community building. The garden is 3,000 sq. ft. in area and will be planted and maintained by neighborhood residents on assigned plots. No retail activity will occur on the site. Produce will be available to neighbors and local food pantries.

Parking

The existing parking lot contains 177 total parking spaces of which 11 are reserved for disabled. The number of spaces provided is in compliance with the zoning ordinance for the existing church and the proposed community building.

Landscaping and Screening

Existing mature trees are located throughout the property. Additional landscaping is proposed for the community building.

The existing garbage dumpster is located in an enclosure at the northeast corner of the building. Mechanical equipment located in the front yard along Lave Avenue and at the rear of the church building is screened with landscaping. Any additional mechanical equipment with the proposed community building must also be screened.

Signage

A wall sign is noted on the east façade of the community building. The petitioner has not included design information, therefore Staff notes that the size of this sign cannot exceed 20 percent of the façade and will require a separate sign application and permit.

An existing 18 sq. ft. monument sign is located in the front yard of Lake Avenue for the church and will not be altered.

REQUESTED WAIVERS

- 1) Eliminate the requirement for public sidewalks along Lake Avenue, Wyss Lane and North Street.

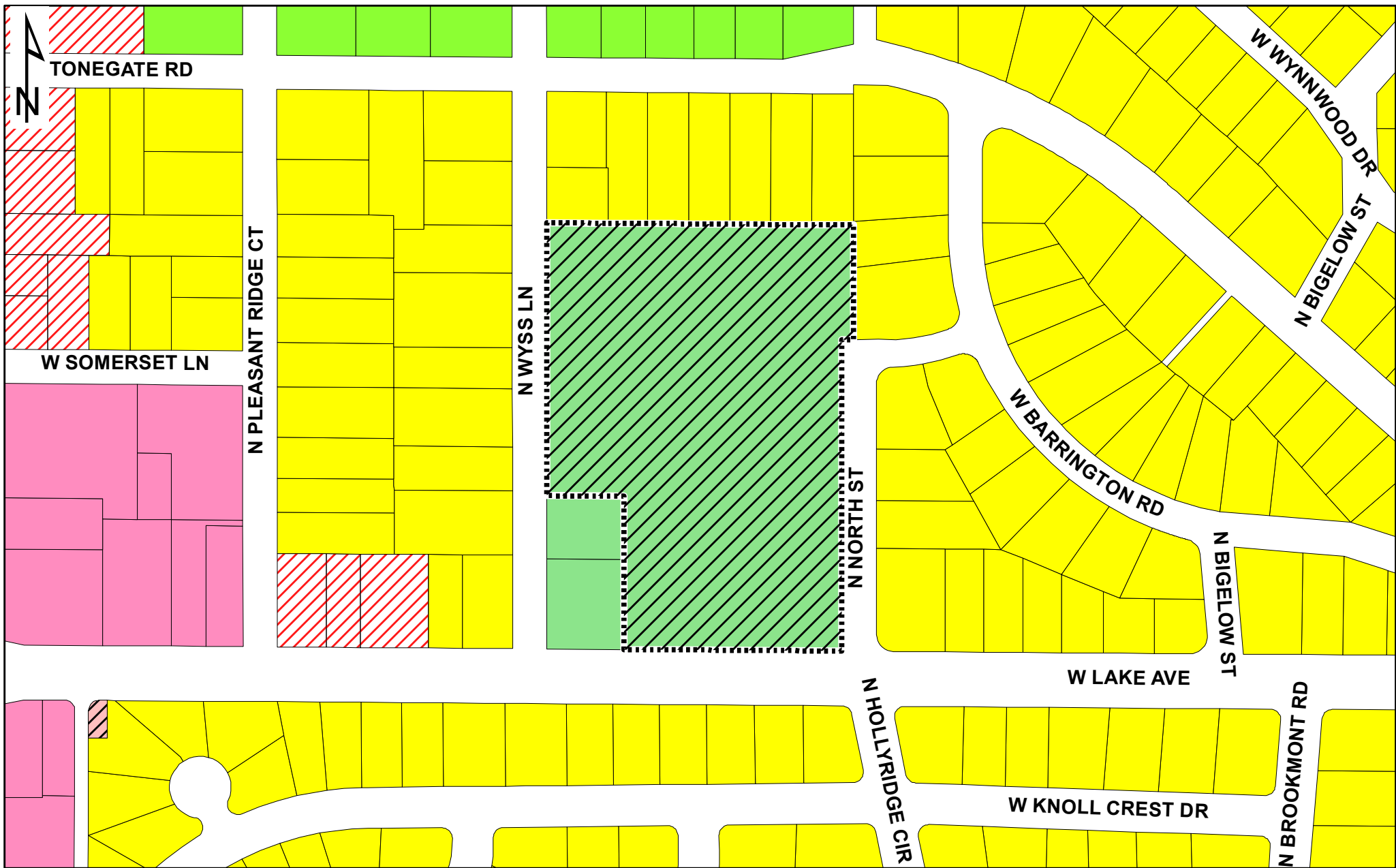
STAFF COMMENTS

- 1) The Future Land Use designation for this property is Medium Density Residential.
- 2) Architectural construction documents sealed and signed by a licensed Illinois architect shall be required for this project.
- 3) In general, City staff recommends that all projects include the installation of public sidewalks along the property frontages where no sidewalk exists; however, in this neighborhood, there are no public sidewalks on either side of the public streets adjacent to the site.

SITE PLAN REVIEW BOARD RECOMMENDATION

The Site Plan Review Board recommends APPROVAL of the submitted revised site plan to amend the existing Special Use to add a community activity center and community garden and including existing conditions, the requested waiver, and subject to the following conditions:

1. Wall sign as noted on the site plan cannot exceed 20 percent of the façade.
2. All mechanical equipment for the community building must be screened per Section 16.10 of the Zoning Ordinance.
3. No retail activity shall occur at the property with the community garden as stated by the applicant.



R1 - Single-Family Residential District

R3 - Single-Family Residential District

 Subject Property

 O1 - Arterial Office District

 C1 - General Commercial District

ZC 11-05B
Amend Special Use for Community Center
March 3, 2011 1:30 PM

TO: City of Peoria Zoning Commission

THRU: Site Plan Review Board

FROM: Leah Allison, Senior Urban Planner, Zoning Commission Staff

DATE: March 3, 2011

SUBJECT: **PUBLIC HEARING ON THE REQUEST OF THE CITY OF PEORIA TO AMEND APPENDIX B, THE ZONING ORDINANCE, AND APPENDIX C, THE LAND DEVELOPMENT CODE RELATED TO FEES. CASE NO. ZC 11-A**

PETITIONER: City of Peoria

REQUEST: Request for a text amendment to Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code related to application fees

STAFF COMMENTS

At the January Zoning Commission meeting, ordinances were proposed which increased numerous zoning fees. The ordinances were in response to the fee increases directed by City Council on November 9, 2010.

The Zoning Commission approved the increased fees in concept only noting that the increases were substantial and without supportive information.

On January 25, 2011, City Council voted to defer the proposed fees until April 12, 2011 to allow the Zoning Commission the opportunity to discuss in more detail and gain public input.

Staff has prepared a table comparing the current and proposed zoning fees with neighboring communities and other cities of similar size to Peoria. It is important to note that the table does not consider the financial structure of the comparison communities, such as taxes, which may further explain their fees.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the attached Ordinances amending Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code relating to Fees.

DEVELOPMENT/ZONING FEE COMPARISONS

	City of Peoria Current Fees	City of Peoria Proposed Fees	Peoria County	City of East Peoria	City of Washington	Village of Morton	City of Aurora
Population in 2010	115,007		186,494	23,402	15,134	16,267	197,899
Zoning Certificate	\$95	\$120 - \$200	\$0.50 per square foot. ¹	\$3.50 per \$1,000 value plus \$6.50 filing fee ¹	\$20 plus \$2 per \$1000 value. Except pools, fences & storage sheds which are \$40.	\$10	No fee
Permanent Sign	\$95 + \$50 for each additional sign	\$120 + \$50 for each additional sign	\$110	\$0.50 /sq ft. Minimum \$25	\$10 plus \$2 per \$1000 value.	\$35 - \$50	\$117 - \$153
Temporary Sign	\$50	\$120	\$110	\$25	10	No Fee	\$117
Rezoning	\$500 - \$5000 (\$75/acre)	\$625 plus \$100/acre (max. \$7500)	\$955 - \$3200 (\$65/acre)	\$150	\$100	\$175	\$500
Special Use	\$500 - \$5000 (\$75/acre)	\$750 plus \$100/acre (max. \$7500)	\$690 plus recording fees	\$150	\$100	\$175	\$500
Planned Unit Development	\$500 - \$5000 (\$75/acre)	\$625 plus \$100/acre (max. \$7500)	NA	\$200	Lots 1-10: \$25/lot, 11-20: \$20/lot, 21-40: \$17.50/lot, 41+: \$12.50/lot	\$200	\$500
Variance	\$150 - \$1000	\$500 (before construction); \$1000 (after)	\$135 - \$265	\$100	\$100	\$175	Administrative = \$50; Commission Review = \$150
Fence	\$75	\$200	\$55	\$10	\$40	\$35 - \$50	No fee.
Home Occupation	\$95 for 3 years	\$120	Initial = \$160 Renewal = \$45	No fee	No fee	\$25	No permit required.
Site Plan Review	\$150	\$200	\$400	No fee.	No fee	\$100	Less than 5 acres = \$150 5 - 65 acres = \$30/acre 65 acres + = \$2,000
Zoning Violation Penalties	\$150 - \$500	\$200 - \$600	\$150 for hearing officer plus \$1000 per week per violation	\$50 - \$750	\$100 - \$750	\$50 - \$750	\$50 - \$200
Appeals	No fee	\$250	\$240	\$100	\$100	\$25	0
Tower	\$500	\$625	\$15 per vertical foot, \$1000 min	\$250	\$1,000	\$1,000	\$500
	Notes						
	1. Consolitdated with building permit.						
	2. Plus direct billing for legal notice.						
	3. Example: 70 sq. ft. sign, \$500 value = \$32.20 permit fee.						

DEVELOPMENT/ZONING FEE COMPARISONS

	City of Bloomington	City of Champaign	City of Rockford
Population in 2010	76,610	81,055	152,871
Zoning Certificate	No fee for single family.	See Note 1	\$60
Permanent Sign	Base fee of \$14.26 increasing based on value and size of sign. ³	\$0.15/sq ft or \$20.00 whichever is greater.	\$65 - \$90 plus 0.20 per sq ft over 50 sq ft
Temporary Sign	\$20	\$0.15/sq ft or \$20.00 which ever is greater.	\$30
Rezoning	\$125	\$125 ²	\$375 plus \$25/ac over 5 acres to \$775 plus \$50/ac over 5 acres
Special Use	\$125 plus recording fees.	\$65 ²	\$375 plus \$25/ac over 5 acres to \$775 plus \$50/ac over 5 acres
Planned Unit Development	\$100 plus \$5 per lot	\$95 plus \$15/acre	\$375 plus \$25/ac over 5 acres to \$775 plus \$50/ac over 5 acres
Variance	\$125 for 1st variance plus \$25 for each additional	\$65 ²	\$300 - \$500
Fence	\$25 for 1st \$1000 cost plus \$0.75 for each \$500 over \$1000. Max \$10,000	No permit required	\$40 - \$130
Home Occupation	No permit required.	No permit required	Initial = \$80 Renewal = \$40
Site Plan Review	\$125	\$345 - \$470 for Single Family Residential	\$50 - \$100
Zoning Violation Penalties	\$100	Issued per Court action	\$50/violation
Appeals	\$125	\$30	\$400
Tower	\$125 plus recording fees (Special Use)	\$65 ² (Special Use)	\$375 plus \$25/ac over 5 acres to \$775 plus \$50/ac over 5 acres
	Notes		
	1. Consolitdated with building permit.		
	2. Plus direct billing for legal notice.		
	3. Example: 70 sq. ft. sign, \$500 value = \$32.20 permit fee.		

TO: City of Peoria Zoning Commission

THRU: Site Plan Review Board

FROM: Leah Allison, Senior Urban Planner, Zoning Commission Staff

DATE: March 3, 2011

SUBJECT: REQUEST OF THE CITY OF PEORIA TO DISCUSS AND APPROVE THE 2010 ZONING COMMISSION ANNUAL REPORT. CASE NO. ZC 10-D

PETITIONER: City of Peoria

REQUEST: Request to discuss and approve the 2010 Zoning Commission Report

STAFF COMMENTS

The attached report is prepared annually for review by the Zoning Commission and City Council. The report reviews issues and trends and concludes with recommendations for 2011.

The report is customarily divided into the following six sections:

1. Relationship of the Zoning Ordinance to the Comprehensive Plan
2. 2010 Text Amendments
3. Zoning Case Comparisons
4. Trends: Concurrence with Staff's Recommendations
5. Trends: Variance, Waivers, and Deferrals
6. Recommendations

This year two additional sections have been added in response to events and issues in 2010:

- Sign Ordinance Review Committee
- Enforcement of the Codes

RECOMMENDATION:

Staff requests a review of the Annual Zoning Commission Report followed by discussion of possible actions, outcomes, and suggestions to improve service to the Zoning Commission and citizens of Peoria.

City of Peoria

2010 Annual Zoning Commission Report

Leah Allison, AICP
Senior Urban Planner

March 3, 2011

2010 Annual Zoning Commission Report

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Section 1: The Relationship of the Zoning Ordinance to the Comprehensive Plan

The Comprehensive Plan provides goals and strategies to guide the City's growth and redevelopment. Staff references these goals and strategies to support Staff's conclusions and recommendations. The future land use designation is also included in all Staff reports and recommendations for land use requests.

The Comprehensive Plan, a key component in the City Council's decisions, is currently in the midst of a complete rewrite with an anticipated completion date in early 2011.

Section 2: Text Amendments

- Wireless Communication Facilities
 - This amendment added a third party review of wireless communication facility applications to address the complexity of these applications and provide thorough expert analysis.
- Group Occupancy
 - Increased interest for recovery homes led to a complete review of group occupancy regulations. The resulting text amendment updated group occupancy terms and brought the City's regulations into compliance with the State of IL regulations.
- Various Text Changes to Improve Clarity
 - The following items were amended to convey clearer requirements of the Codes, improve review processes, and provide better customer service:
 - a. Definition of goods, driveways, and changes of use
 - b. Childcare Homes
 - c. Multi-faced Signs
 - d. Political Signs
 - e. Nonconforming Parking, Yards, and Landscaping
 - f. Zoning Exception Certificates
 - g. Portable Storage Devices
- Vehicle Parking and Storage
 - Revised to improve and provide clearer regulations in response to residents' concern for the number, size, and location of the storage of recreational vehicles.
- Driveway Width
 - This amendment allowed extensions to driveways which provide access to additional legal parking spaces and increase the competitiveness and desirability of older neighborhoods for families.
- New Special Use for Schools for the Arts
 - A new special use category was created in residential zoning districts to allow schools for art, dance, and music etc., to operate through a special use approval.

2010 Annual Zoning Commission Report

Section 3: Zoning Case Comparisons

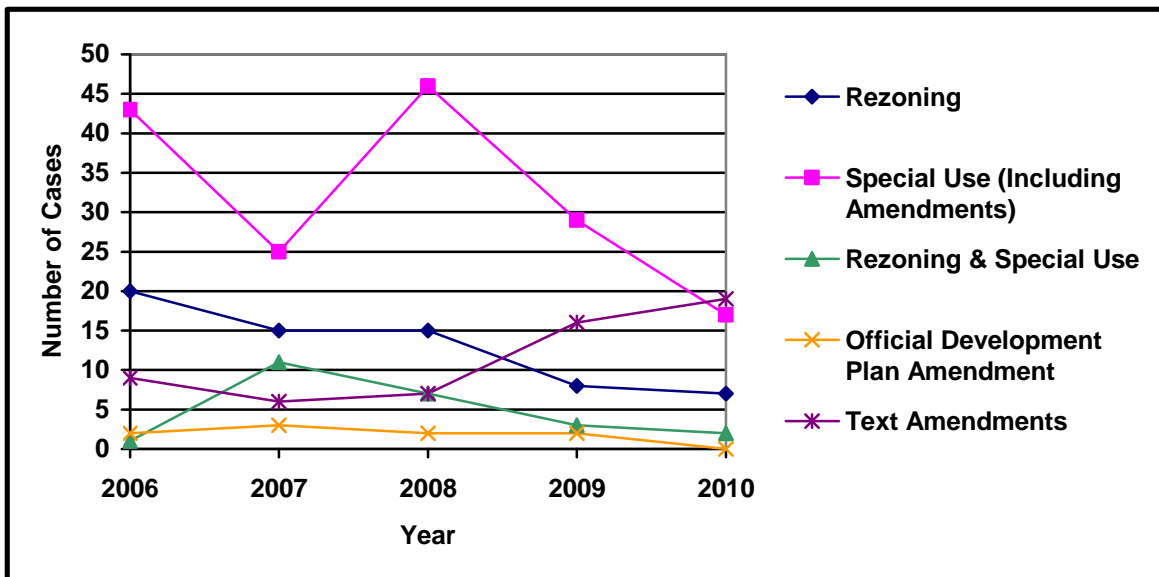
The following table and graph illustrate the number of Zoning Commission cases, by type, between 2006 and 2010. The average number of cases for each type is also calculated as a means of comparison.

For the second year in a row, the total number of Zoning Commission cases has seen a notable decline, most likely attributed to the economy. The number of cases in 2010 was down 24 percent from 2009, and down again 25 percent from 2008. The number of cases in 2010 for each type of request remained relatively constant with the exception of Special Uses, including amendments, which experienced the greatest decrease.

Table 1: 2006 to 2010 Case Comparison

Type	2006	2007	2008	2009	2010	Average
Rezoning	20	15	15	8	7	13
Special Use (including amendments)	43	25	46	29	17	32
Rezoning & Special Use	1	11	7	3	2	4.8
Official Development Plan Amendment	2	3	2	2	0	1.8
Text Amendment	9	6	7	16	18	11.4
Total	75	60	77	58	44	63

Graph: Zoning Case Comparison



The bar line graph above illustrates the fluctuating case load from 2006 to 2010. The number of text amendments rose slightly due to the continued policy of processing text amendments individually to allow for easier tracking and more detailed reporting information.

2010 Annual Zoning Commission Report

Section 4: Trends – Concurrence with Staff Recommendations

The following table illustrates the frequency with which the Zoning Commission's recommendations were consistent with Staff's recommendations. It is important to study the consistency of recommendations to analyze the effectiveness of Staff's reporting to the Zoning Commission and the effectiveness of the regulation. A significantly high number of inconsistent recommendations may suggest that Staff is not providing adequate or appropriate information or that the regulation may need to be reviewed.

Table 2: Consistency of Recommendations

Year	Consistent with Staff		Inconsistent with Staff	
	# of Cases	Percent	# of Cases	Percent
2006	69	92%	6	8%
2007	55	92%	5	8%
2008	64	83%	13	17%
2009	50	86%	8	14%
2010	33	79%	9	21%

Analysis of 2006 to 2010 data showed that a majority of the Zoning Commission's recommendations were consistent with Staff's recommendations. The consistency of recommendations decreased from 86 percent in 2009 to 79 percent in 2010. Further analysis of the inconsistent recommendations revealed that a majority of the disparity involved requests to rezone and requests involving sign size.

Note that the regulations for sign size have been reviewed by the Sign Ordinance Review Committee with a recommendation for no change.

Section 5: Trends – Variations, Waivers, and Deferrals

Variations

Ordinances which are subject to a large number of similar variation or waiver requests should be closely monitored to discover if changes to the Zoning Ordinance may be necessary. When the Zoning Board of Appeals and the City Council routinely approve certain requests, it may indicate that the Ordinance is not consistent with the Comprehensive Plan, that community preferences have changed, or that new technology has emerged since the Zoning Ordinance was adopted. It is important, however, to ensure that the intent of the Ordinance is maintained.

2010 Annual Zoning Commission Report

The following tables summarize variances which were approved and variances which were denied during 2010.

Table 3: *Approved Variances*

Type of Variance	Number of Requests	Specific Issues
Setback	3	<ul style="list-style-type: none">• Reduce the front yard setback from 20 ft. to 9 ft.• Reduce the side yard setback from 12 ft. to 9.5 ft.• Reduce the rear yard setback from 25 ft. to 10 ft.
Sign	1	<ul style="list-style-type: none">• Increase the maximum sign area from 70 sq. ft. to 105 sq. ft. for a free standing sign.
Fence	1	<ul style="list-style-type: none">• Approved unharmonious fence materials of wood and vinyl.
Building Height	1	<ul style="list-style-type: none">• Increased the building height from 90 ft. to 120 ft.
Garage/Porch Design Standards (Land Development Code)	2	<ul style="list-style-type: none">• Allowed garage in front of longest plane.• Allowed porch depth less than 6 ft.• Allowed garage greater than 440 sq. ft. to orient toward the street.
TOTAL	8	

Table 4: *Denied Variances*

Type of Variance	Number of Cases	Specific Issue
Sign	1	<ul style="list-style-type: none">• 80 sq. ft. free standing sign.
Fence	2	<ul style="list-style-type: none">• Front yard fence 6 ft. in height and less than 40% open.
Refuse Screening	1	<ul style="list-style-type: none">• Eliminate screening of compactor.
TOTAL	4	

The majority of the variances granted were for modifications to the required setback citing hardships due to topography, roadway expansion, and existing non-conforming conditions of the property.

Waivers

Waivers are requested as conditions of approval through the Special Use process and receive final review by the City Council. Like variances, if certain waivers are requested and approved more frequently than others, the Zoning Ordinance may need further study or modification. The following list summarizes the types of waivers requested and approved by the City Council in 2010.

- Front yard, side yard, and rear yard setbacks
- Freestanding sign size, height and setback
- Screening of mechanical equipment
- Separation between off-premise freestanding signs
- Landscaping requirements for front yard and parking lot
- Parking lot lighting
- Number of parking spaces
- Transitional buffer yard requirements

2010 Annual Zoning Commission Report

The majority of waivers granted involved the size, height, or setback of free standing signs, followed by yard setbacks, and landscaping requirements. Further analysis noted that a majority of these waivers were granted for developments within the built environment and existing conditions.

Deferrals

The total number of case deferrals decreased slightly from 2009 to 2010 as illustrated in Table 5 below. The number of deferrals requested by the Zoning Commission has increased while the number requests by the petitioner and Staff have decreased.

In-depth review of the eight cases deferred upon request by the Zoning Commission found that:

- Three cases were deferred for more information from Staff or other entities.
- One case was deferred to allow for additional public input.
- One case was deferred upon directing Staff to prepare an ordinance.
- Three cases were deferred due to the loss of a quorum at one meeting.

Table 5: Deferrals

Year	Number of Deferrals Requested By			Total
	Petitioner	Zoning Commission	Staff	
2007	6	2	3	11
2008	12	6	1	19
2009	9	5	4	18
2010	4	8	3	15

While some deferrals are necessary to allow additional time to resolve identified issues, the impact of any deferral may negatively affect the public's opportunity and ability to give input and comments. Excessive deferrals may also discourage the public from taking the time and effort to attend meetings with the perception that their comments are not important. In response to this concern, a text amendment was approved in 2010 requiring an additional application fee if an applicant requests more than two deferrals without justification.

Section 6: Sign Ordinance Review Committee

The Sign Ordinance Review Committee was formed in May 2010 in response to the Zoning Commission's request to review the current sign regulations. Over the course of several months, the committee reviewed key components of the sign ordinance resulting in the following recommendations:

- 1) Allow sign extensions of five feet in height at the top and two feet from the side on off-premise signs. (Text amendment)
- 2) Require temporary event signs to be removed within seven days after the event. (Text amendment)
- 3) Require a permit fee for civic and holiday temporary event signs. (Text amendment)
- 4) Print Zoning Certificate permit number on the sign.
- 5) Create illustrations and diagrams of signs for communication of sign type and sign area.
- 6) Allow reverse lit/halo lit projecting signs in the Form Districts. (Text amendment)
- 7) Improve the enforcement of sign violations through:
 - Distribution of sign regulations with permit

2010 Annual Zoning Commission Report

- Utilize other departments to assist with enforcement
- Work with Peoria Beautiful or Litter Committee
- Create a volunteer enforcement committee

City Council has reviewed these recommendations and concurs with allowing sign extensions, removing event signs within seven days after the event, and allowing reverse lit/halo lit of projecting signs within the Form Districts. The City Council also agreed with improving communication of sign regulations through illustration and diagrams and working to improve enforcement of sign violations.

Section 7: Enforcement of the Codes

This section is new to this report due to its importance to the effectiveness of the Codes and to all the Commissions. Understanding which violations are most commonly reported can provide direction for Staff and the Commission of potential problem issues needing further review.

The following Table 6 provides a list of violations by type and the frequency of each.

Table 6: Zoning Violations by type

2010 Zoning Violation by Type	Total
Parking	75
Storage	70
Sign	49
Other	47
Fence	42
Home Occupation	34
Use Violation	28
Work without a Zoning Certificate	22
Multiple Violations	16
Group Occupancy	14
Total Zoning Enforcement Violations	397

Complaints for parking and storage of accessory vehicles were most common in 2010. Text amendments to expand the width of a driveway and limitations on the number and type of recreational vehicles stored on a lot may alleviate these issues.

The loss of the Zoning Enforcement Officer in 2009 has caused enforcement duties to be distributed among the Planning staff. Although the enforcement process has been streamlined, the decentralization of enforcement duties has created slower response time to complaints.

Section 8: Recommendations

Staff recommends the following actions for the Zoning Commission in 2011:

- Continue monitoring of variances and waivers for yard setbacks and free standing signs to determine if additional review and possible amendments to the Zoning Ordinance are needed.
- Engage the Zoning Commission in a thorough review and discussion on the regulations and approval processes for front yard fences and home occupations.
- Upon adoption, review the 2011 Comprehensive Plan to ensure the Zoning Ordinance and Land Development Code are aligned for consistency and execution of the Plan.

TO: City of Peoria Zoning Commission

THRU: Site Plan Review Board

FROM: Shannon Techie, Urban Planner

DATE: March 3, 2011

SUBJECT: **PUBLIC HEARING ON THE REQUEST OF THE CITY OF PEORIA TO AMEND APPENDIX B, THE ZONING ORDINANCE, RELATED TO INFLATABLE SIGNS FOR GRAND OPENINGS AND TEMPORARY SIGNS. CASE NO. ZC 11-E**

PETITIONER: City of Peoria

REQUEST: Request for a text amendment to Appendix B, the Zoning Ordinance, related to inflatable signs for grand openings and temporary signs.

STAFF COMMENTS

Inflatable Signs for Grand Openings

The City of Peoria has researched regulations for inflatable signs previously. A proposed text amendment, that would allow inflatable signs without a special use permit in nonresidential zoning districts, was brought before the Zoning Commission on November 6, 1997. The following concerns/comments were expressed by the Zoning Commission during the commission meeting as follows:

- The suggested height restriction of twenty five feet may not be adequate for what is on the market
- Input from venders and users was limited
- Those contacted may not have understood the proposed amendment
- The commission suggested staff contact local car dealers, sign companies, local beer distributor and local television stations using inflatable sign for further input

On May 7, 1998, the Zoning Commission voted to table the request.

On November 2, 1999, the Peoria City Council directed staff to "draft and submit to the Zoning Commission an amendment to the Zoning Ordinance which would permit inflatable advertising signs in nonresidential districts for a period not to exceed seven days without requiring the property owner to obtain a Special Use permit for the temporary inflatable sign." This item did not appear on future Council agenda's or minutes after November 2, 1999 and no change was made to the Zoning Ordinance in response to this request.

On January 11, 2011, Council directed staff "to come back with an Ordinance that would permit inflatable signs, with standards, for grand openings."

Research was conducted recently on a variety of cities throughout the United States to determine how inflatable signs are defined and regulated (Appendix A). Most sign codes classify inflatable and grand opening signs as types of temporary signage. Specific definitions for inflatable signs vary from place to place but usually include a reference to an air-filled device tethered to the ground or a structure. Most definitions for grand opening signs reference the newness of the business and tie this sign type to the event of the business welcoming customers for the first time.

While many communities explicitly prohibit inflatable signs, many others allow these signs subject to specific standards. Standards for inflatable signs often address permitting, numbers, size, location,

and duration of display. Apart from aesthetics and community character, the primary concern is traffic safety due to visual obstruction or distraction. Standards for grand opening signs usually limit the timing, location, and duration of display and may include allowances or restrictions for specific sign types (e.g., inflatable signs).

In addition to reviewing ordinances from other communities, industry standards for inflatable signs were reviewed. The most common sizes of inflatable signs are 20' high by 20' wide (or diameter), 20' high by 25' wide (or diameter), and 20' high by 30' wide (or Diameter)

Inflatable signs currently require a Special Permit in all districts. The proposed ordinance was drafted in an effort to be business friendly and allow new businesses to display inflatable signs, which would not currently be permitted without a special permit, for grand opening events. The attached Ordinance proposes allowing the display of one inflatable sign within the first thirty (30) days of operation of a new business as part of a Grand Opening, at the location of the newly opened retail or service operation, per the following conditions:

1. A Zoning Certificate must be obtained prior to the placement of an inflatable sign.
2. Such signs are permitted in non-residential zoning districts only
3. Signs cannot exceed (25) twenty five feet in height and thirty (30) feet in width or diameter, and must be set back a minimum of twenty (20) feet from the property line and a minimum of ten (10) feet from the building.
4. Signs may be displayed for a period of no more than fourteen (14) calendar days.
5. Rooftop signs are prohibited.
6. Lighted signs are prohibited.
7. Signs which move or give the appearance of moving are prohibited.
8. Placement of signs on the City right-of-way is prohibited.
9. Signs shall not obstruct visibility for safe traffic maneuvering or pedestrian safety and signs, anchors, and attachments shall not be placed in such a way to create a traffic hazard.
10. Signs may not occupy required parking spaces.
11. Signs cannot interfere with utility lines, antennas, or towers.
12. If an outlet is necessary, signs must be installed to a grounded outlet.
13. Signs must be installed by a commercial installer and must be securely anchored.

Temporary Signs

In response to the discussion by City Council regarding the length of display for temporary signs, Staff is proposing to define a temporary sign as one that is displayed no longer than 30 consecutive days. This is written as a new definition and is consistent with current regulations of banners and other temporary signage.

SITE PLAN REVIEW BOARD RECOMMENDATION

Staff recommends APPROVAL of the attached Ordinance amending Appendix B, the Zoning Ordinance, related to inflatable signs for grand openings and adding a definition for temporary signs.

Research on Inflatable Signs for a Business Grand Opening

January 26, 2011

Background

The City of Peoria has researched regulations for inflatable signs previously. A proposed text amendment, that would allow inflatable signs without a special use permit in nonresidential zoning districts, was brought before the Zoning Commission on November 6, 1997. The following concerns/comments were expressed by the Zoning Commission during the commission meeting as follows:

- The suggested height restriction of twenty five feet may not be adequate for what is on the market
- Input from venders and users was limited
- Those contacted may not have understood the proposed amendment
- The commission suggested staff contact local car dealers, sign companies, local beer distributor and local television stations using inflatable sign for further input

On May 7, 1998, the Zoning Commission voted to table the request.

On November 2, 1999, the Peoria City Council directed staff to "draft and submit to the Zoning Commission an amendment to the Zoning Ordinance which would permit inflatable advertising signs in nonresidential districts for a period not to exceed seven days without requiring the property owner to obtain a Special Use permit to the temporary inflatable sign." This item did not appear on future Council agenda's or minutes after November 2, 1999 and no change was made to the Zoning Ordinance in response to this request.

On January 11, 2011, Council directed staff "to come back with an aggressive strategy, with Ordinance changes if necessary, to address temporary signs on public and private property; and to direct the Administration to come back with an Ordinance that would permit inflatable signs, with standards, for grand openings."

Research was conducted recently on a variety of cities throughout the United States to determine how inflatable signs are defined and regulated. Most sign codes classify inflatable and grand opening signs as types of temporary signage. Specific definitions for inflatable signs vary from place to place but usually include a reference to an air-filled device tethered to the ground or a structure. Most definitions for grand opening signs reference the newness of the business and tie this sign type to the event of the business welcoming customers for the first time.

While many communities explicitly prohibit inflatable signs, many others allow these signs subject to specific standards. Standards for inflatable signs often address permitting, numbers, size, location, and duration of display. Apart from aesthetics and community character, the primary concern is traffic safety due to visual obstruction or distraction. Standards for grand opening signs usually limit the timing, location, and duration of display and may include allowances or restrictions for specific sign types (e.g., inflatable signs).

Ordinance Examples

Auburn, Georgia: Inflatable sign means any sign inflated or supported by wind, air or pneumatic noncombustible pressure and are allowed only one time per year per premises, for not more than seven consecutive days. The inflatable sign shall not exceed a height of thirty feet nor exceed a maximum of three hundred square feet of sign area and be securely attached to the ground or structure meeting building codes.

Bainbridge, Georgia: An inflatable sign is regulated as a portable sign. One portable sign is allowed for each principal building or establishment for a period not to exceed 14 consecutive days or 30 days total in a calendar year; however, inflatable signs that move or gyrate to draw attention are prohibited.

Burleson, Texas: A balloon or inflatable sign is defined as a sign in the form of or attached to a balloon or other inflatable, inflated or floating device, which measures more than three feet across in any direction. Inflatable signs are permitted in some nonresidential districts with a temporary sign permit. There is a limit to two signs for a total of fourteen days in a calendar year. Signs must comply with airport hazard zone height restrictions.

Glenwood Springs, Colorado: One inflatable sign is permitted as part of a grand opening of a business on the premises of the new business. The maximum size allowed is two thousand cubic feet, with a maximum height of twenty feet. Any sign shall be set back ten feet from the back of the curb or edge of the pavement, or zero feet from the property line, whichever is the greater distance from the back of the curb to the edge of the pavement. An inflatable sign for a new business may be displayed and maintained for a period not to exceed seven days.

Mesquite, Texas: Inflatable sign means an air filled device anchored to a building or the ground on a temporary basis. Such signs are permitted per the following standards:

- A permit must be obtained prior to the placement of an inflatable sign. The fee for such permit is seventy five dollars for each period of placement.
- The sign must be set back a minimum of ten feet from the property line.
- A permit holder will be allowed to place on sign for three ten-day periods per calendar year. Periods may not run consecutively.
- Placement of signs on the City right-of-way is prohibited.
- Signs and their anchors or attachments shall not be placed in such a way to create a traffic hazard.
- Signs must be securely anchored.

Ofallon, Illinois: The City of Ofallon, Illinois does not define grand opening or inflatable; however inflatable's are permitted as part of a grand opening for a period not to exceed thirty days and only immediately following the initial opening of each business. Any inflatable sign or sign affixed to a tethered balloon, where such sign is visible from the property line should be permitted. Such inflatable Signs shall not exceed the height of the principal structure or twenty-five (25) feet, whichever is less. Temporary Signs, banners and inflatable's/balloons used in accordance with this paragraph shall be confined to

property on which the business enterprise is located, and mounted and secured properly to ensure the public health and safety.

An inflatable sign is also permitted as part of the regulations for temporary inflatable signs/balloons. One inflatable Sign or Sign affixed to a tethered Balloon per qualified Zoning Lot is permitted. Such Signs shall not exceed the height of the principal structure or twenty-five feet (25'), whichever is less. Temporary inflatable Signs/Balloons may be displayed for a maximum of fifteen (15) days cumulatively per calendar year. Inflatable Signs/Balloons shall be confined to the Lot on which the business enterprise is located and shall be mounted and secured properly to ensure the public health and safety. The setback of the inflatable Signs/Balloons shall be equal or more than the height of the Temporary Sign. This does not apply to party balloons or similar balloons of less than seventeen inches (17") in diameter or to vehicle signage, which shall be deemed an authorized accessory use of such qualified Zoning Lots.

Roanoke, Virginia: *"Inflatable sign:* One (1) or more balloons, or any other type of tethered object that is capable of being expanded by air or other gas, water, or other means, that exceeds twenty-four (24) inches in diameter and is used as a means of directing attention to any business, profession, service, product, goods, promotion, activity, or special event."

- *"Temporary sign:* A sign or other advertising device erected or posted for a specified period of time as delineated in Section 36.2-673. Temporary signs are designed to be readily relocated and displayed for temporary purposes such as the identification or announcement of seasonal or brief activities, including special commercial sales, holiday events, auctions, grand openings, or a special event or activity."
- Only one inflatable signs is permitted per lot with the display limited to 7 days, twice a year. Such signs must be located at least 8' from lot line.

Sioux Falls, South Dakota: Inflatable signs may be displayed in commercial, industrial, institutional, and office zoning districts for a total of 15 days per calendar year at any one business location. A separate permit is required for each sign. Permits are issued for a period of three days. Inflatable signs which include high flying helium, ground, and roof mounted inflatable signs may be displayed under the following conditions:

- On lots with a street frontage of less than three hundred feet, including corner lots, only one inflatable advertising sign shall be allowed on a property at any given time. Property with 300 feet or more of street frontage may display a maximum of two inflatable signs at any given time.
- The maximum size of a ground-mounted inflatable is fifteen feet wide by thirty feet high. The maximum size of a roof mounted inflatable sign is twenty five feet wide by thirty feet high. The maximum volume of a high flying inflatable will be five hundred cubic feet.
- Inflatable sign cannot interfere with utility lines, antennas, or towers.
- Cabling, tie-downs, or tether lines will not be located on or across public property.
- Sign cannot be located in any airport approach zone.
- Inflatable advertising signs may also be displayed in city parks if authorized by City Parks and Recreation.

Tempe, Arizona: An inflatable sign is permitted as part of a special event, such as a grand opening, going out of business sale, or other event. Restrictions are placed on the length of display, varying from 14 to 30 days depending on the event type. Inflatable sign is not defined.

Urbana, Illinois: An inflatable sign or balloon is permitted, in addition to a banner, as part of a grand opening for businesses having a t least fifty feet of frontage for a period of no more than ten days. An inflatable sign or balloon may not exceed twenty five feet in height and shall not obstruct visibility for safe traffic maneuvering. Such signs must be set back from any property line a minimum distance equal to the height of the balloon plus five feet and shall maintain a minimum of twenty five foot clearance in all directions from electrical wires.

Conclusion

In response to City Council's request and research of other communities, it seems appropriate to amend current regulations to allow businesses to display one inflatable sign in connection with a "Grand Opening". The proposed ordinance change includes standards for size, placement, and display period. In reviewing industry standards, it appears that the most common inflatable signs are 20' high by 20' wide, 20' high by 25' wide, and 20' high by 30' wide.

**ORDINANCE AMENDING APPENDIX B OF THE CODE OF THE CITY OF PEORIA
RELATING TO INFLATABLE SIGNS FOR BUSINESS GRAND OPENINGS AND
TEMPORARY SIGNS**

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

Section 1: Appendix B of the Peoria City Code, being Ordinance No. 13,225 as adopted on June 4, 1991 and thereafter amended, is hereby amended by adding the following underlined words:

ARTICLE 17. SIGN ORDINANCE

17.10. Prohibited, Exempt, and Temporary Signage.

17.10.c. Temporary Signage. The following signs are hereby designated as "temporary" signs and are permitted subject to the regulations contained in Article 17.

- (1) *Temporary Signs Requiring a Sign Permit.* The following temporary signs require a sign permit prior to the display of the sign for a legal zoning use in nonresidential districts or a special use in residential districts. These signs may not advertise goods, products, services or facilities, or direct persons to a location different from where the sign is installed.

- e. Inflatable Sign: One inflatable sign may be displayed within the first thirty (30) days of operation of a new business as part of a Grand Opening event, at the location of the newly opened retail or service operation, per the following conditions:
 - i. A Zoning Certificate must be obtained prior to the placement of an inflatable sign.
 - ii. Such signs are permitted in non-residential zoning districts only.
 - iii. Signs cannot exceed (25) twenty five feet in height and thirty (30) feet in width or diameter, and must be set back a minimum of twenty (20) feet from the property line and a minimum of ten (10) feet from the building.
 - iv. Signs may be displayed for a period of no more than fourteen (14) calendar days.
 - v. Lighted signs are prohibited
 - vi. Signs which move or give the appearance of moving are prohibited.
 - vii. Placement of signs on the City right-of-way is prohibited.
 - viii. Signs shall not obstruct visibility for safe traffic maneuvering or pedestrian safety and signs, anchors, and attachments shall not be placed in such a way to create a traffic hazard
 - ix. Signs may not occupy required parking spaces.
 - x. Signs cannot interfere with utility lines, antennas, or towers.
 - xi. If an outlet is necessary, signs must be installed to a grounded outlet.
 - xii. Signs must be installed by a commercial installer and must be securely anchored.

17.16. Signs Allowed Only by Special Permit.

Certain types of signs shall only be allowed by special permit granted by the City Council, pursuant to the special use process, after a public hearing by the Zoning Commission. Such special permits are required because these categories of signs are of such a nature that their construction and operation may give rise to unique problems with respect to their impact upon neighboring properties.

17.16.a. Types of Signs Allowed by Special Permit. The following types of signs will be allowed by special permit only:

- (1) Historic signs;
- (2) Reserved;
- (3) Inflatable signs, balloons, or other air or gas filled signs or fixtures for purposes other than a business Grand Opening or for properties located in residential districts;
- (4) Certain illuminated signs listed in the Table of Basic Design Elements;
- (5) Signs governed by "local sign regulations"; and
- (6) Marquee and rooftop signs in nonresidential districts other than B1.

ARTICLE 18. DEFINITIONS

Grand Opening: An event or occasion marking the opening of a new retail or service operation in a non-residential zoning district. A grand opening must occur at or near the beginning of an operation and can only occur once during the lifetime of the operation.

Sign, Inflatable: means any sign inflated or supported by winds, air or pneumatic noncombustible pressure anchored to the ground on a temporary basis, used as a means of directing attention to a business for the purpose of a Grand Opening.

Sign, Temporary: a sign displayed for a period not to exceed thirty (30) consecutive days.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
_____ DAY OF _____, 2011

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

TO: City of Peoria Zoning Commission

THRU: Site Plan Review Board

FROM: Gene Lear, Senior Urban Planner

DATE: March 3, 2011

SUBJECT: **PUBLIC HEARING ON THE REQUEST OF THE CITY OF PEORIA FOR A TEXT AMENDMENT TO APPENDIX B, THE ZONING ORDINANCE, AND APPENDIX C, THE LAND DEVELOPMENT CODE, RELATING TO SCREENING MECHANICAL EQUIPMENT AND ABOVE GROUND UTILITY STRUCTURES. CASE NO. ZC 11-F**

PETITIONER: City of Peoria

REQUEST: Request for a text amendment to Appendix B and Appendix C of the Code of the City of Peoria for Screening Mechanical Equipment and Above Ground Utility Structures.

STAFF COMMENTS

This proposed text amendment is to further clarify under what circumstances and when Section 16.10 of the Zoning Ordinance and Section 8.2.15 of the Land Development Code will require screening of mechanical equipment (both rooftop and ground level) and Above Ground Utility Structures.

SITE PLAN REVIEW BOARD RECOMMENDATION

Staff recommends APPROVAL of the request for text amendments to Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code, of the City of Peoria.

AN ORDINANCE AMENDING APPENDIX B OF THE CODE OF THE CITY OF PEORIA RELATING TO SCREENING MECHANICAL EQUIPMENT AND ABOVE GROUND UTILITY STRUCTURES.

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

Section 1. Appendix B of the Peoria City Code, being ordinance No. 13,225 as adopted on June 4, 1991, and as thereafter amended, is hereby amended by deleting the following stricken words and adding the following underlined words:

ARTICLE 16. LANDSCAPING AND SCREENING

16.10 Screening requirements for Mechanical Equipment Screens and Above Ground Utility Structures (AGUS).

16.10.a. Mechanical Equipment. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential zoning district, ~~as seen from six (6) feet above ground level.~~ At a minimum, the screening height shall be one (1) foot above the height of the mechanical equipment. Rooftop screening shall consist of materials with the primary building materials and may take the form of an increase in parapet height of galvanized metal screening or louvers which may be painted to blend with the primary building materials. Ground level screening consisting of landscaping shall be sufficient to obscure the view of the structure year-round from any street or residential zoning district within two years of planting and shall be planted to ensure survival. Mechanical Equipment shall include all equipment not listed in Section 16.10.b as Above Ground Utility Structures.

16.10.b. Above Ground Utility Structures (AGUS). Above Ground Utility Structures shall include: gas and electric meters and district regulators, transformers, cable service pedestals and cable TV power supply, and telephone service pedestals and telephone service interface cabinets. The utility structure(s) must be shown on the site plan at the time of submittal to the Site Plan Review Board.

(1) Screening:

- (a) All AGUS shall be fully screened from the view from any street or residential zoning district.
- (b) At a minimum, the screening height shall be equal to the height of the structure(s) being screened.
- (c) Landscaping screening must be sufficient to obscure the view of the structure from any street or residential zoning district within two years of planting.
- (d) Required access ways to these utilities are exempt from the screening requirements.

(2) Placement.

- (a) If the AGUS exceeds five (5) feet wide by five (5) feet long by four (4) feet in height the utility structure shall meet the minimum front yard setback requirement of the zoning district in which it is located.
- (b) If the utility structure is smaller than five (5) feet wide by five (5) feet long by four (4) feet in height the utility structure may be placed anywhere in the front yard.
- (c) Access to the utility structure shall be located opposite to the side facing the public right-of-way.
- (d) Utility structures may not be placed within a sight triangle.

- (3) Application of AGUS regulations for existing AGUS.
- (a) AGUS existing prior to the date of this ordinance may remain including repair or replacement of defective, worn, or damaged structures.
- (b) New regulations apply where:
- (1) Structure upgrades or replacements are made to existing AGUS associated with network rebuilds for the primary purpose of creating increased capacity to serve new customers.
- (2) Structure upgrades or replacements made to existing AGUS compliant with the ordinance cause the AGUS to be non-compliant.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
_____ DAY OF _____, 2011.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

ORDINANCE AMENDING APPENDIX C OF THE CODE OF THE CITY OF PEORIA RELATING TO SCREENING MECHANICAL EQUIPMENT AND ABOVE GROUND UTILITY STRUCTURES

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

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

8.0 General Development Standards

8.2.15 Screening

B. Mechanical Equipment

1. All rooftop, and ground level and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers) shall be fully screened from view from any street or residential zoning district residential properties or public rights-of-way at ground level of the property line. Mechanical Equipment shall include all equipment not listed in Section 8.2.15. E as Above Ground Utility Structures. At a minimum, the screening height shall be one (1) foot above the height of the mechanical equipment. Mechanical Equipment shall include all equipment not listed in Section 8.2.15. E. as Above Ground Utility Structures
2. Rooftop screening shall consist of materials with the primary building materials and may take the form of an increase in parapet height or decorative galvanized metal screening or louvers which may be painted to blend with the primary building materials. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with primary building materials, and may include decorative galvanized metal screening or louvers or screening that are painted to blend with the principal structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
 - a. Planting screens sufficient to obscure the view of the structure year-round from any street or residential zoning district within two years of planting and shall be planted to ensure survival.
 - b. Brick, stone, reinforced concrete, or other similar masonry materials; or
 - c. Redwood, cedar, preservative pressure treated wood, or other similar materials.

E. Utilities Above Ground Utility Structures (AGUS)

Above Ground Utility Structures shall include: gas meters and district regulators, transformers, cable service pedestals and cable TV power supply, and telephone service pedestals and telephone service interface cabinets. The utility structure(s) must be shown on the site plan at the time of submittal to the Site Plan Review Board. Above-ground utilities and appurtenances to underground installation shall be screened by a continuous planting of scrubs, with a minimum mature height equal to that of the structure, up to eight feet.

1. Screening.
 - a. All AGUS and appurtenances to underground utilities which require above-ground installation shall be fully screened from the view from any street or residential zoning district.
 - b. At a minimum, the screening height shall be equal to the height of the structure(s) being screened.

- c. Landscaping screening must be sufficient to obscure the view of the structure from any street or residential zoning district within two years of planting.
 - d. Required access ways to these utilities are exempt from the screening provisions.
2. Placement.
- a. If the AGUS exceeds five (5) feet wide by five (5) feet long by four (4) feet in height the utility structure shall meet the minimum front yard setback requirement of the zoning district in which it is located.
 - b. If the utility structure is smaller than five (5) feet wide by five (5) feet long by four (4) feet in height the utility structure may be placed anywhere in the front yard.
 - c. Access to the utility structure shall be located opposite to the side facing the public right-of-way.
 - d. Utility structures may not be placed within a sight triangle.
3. Application of AGUS regulations for existing AGUS.
- a. AGUS existing prior to the date of this ordinance may remain including repair or replacement of defective, worn, or damaged structures.
 - b. New regulations apply where:
 - 1) Structure upgrades or replacements are made to existing AGUS associated with network rebuilds for the primary purpose of creating increased capacity to serve new customers.
 - 2) Structure upgrades or replacements made to existing AGUS compliant with the ordinance cause the AGUS to be non-compliant.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
_____ DAY OF _____, 2011

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel