

2.0 Administration

2.1 REVIEW BODIES

2.1.1 Summary of Review Authority

The following table summarizes the required review and approval authority provided under this development code.

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

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

2.1.2 Zoning Administrator

The Director of Planning and Growth Management, or their designee, shall be the Zoning Administrator. The Director of Planning and Growth Management shall exercise the authority and perform the duties of Zoning Administrator as set forth below:

- A. Issue all zoning compliance and exception certificates and maintain records of certificates issued;
- B. Approve all certificates of occupancy;
- C. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this development code;
- D. Issue violation notices requiring compliance and advising suspected violators of their right to appeal; and to issue citations for violations of this development code;
- E. Request of the Building Official that all construction or work of any type be stopped when such work is not in compliance with this ordinance; and revoke any permit which was unlawfully issued without full compliance of the requirements of this ordinance or under fraudulent conditions;
- F. Review and approve or deny all applications for permitted use status under all zoning districts;
- G. Review and approve or deny all applications for principal uses not specifically listed as set forth in Article 5.0, Permitted Land Uses.
- H. Have possession of permanent and current records of this development code, including, but not limited to, all maps, amendments, special uses, variations, appeals, official development plans, site plan reviews and applications thereof;
- I. Conduct pre-application conferences where required;
- J. Receive, certify for completeness, and forward to the Zoning Commission all applications for special uses and for text and map amendments to this development code that are initially filed with the office of the Zoning Administrator;
- K. Review, process and decide upon those minor variation applications for which the Zoning Administrator has authority under this development code by either approving or denying such applications;
- L. Review, process and report findings and recommendations and forward appeals and variation requests to the Zoning Board of Appeals on those applications upon which the Zoning Board of Appeals is required to act;
- M. Call for meetings of the Site Plan Review Board, forward applications, site plans and related information to that Site Plan Review Board in all cases which require site plan review and as required in specific zoning districts under the provisions of this development code;
- N. Review, process and decide upon subdivision plats without waivers and tract surveys by either approving or denying such applications;
- O. Enforce all orders of the Zoning Board of Appeals;
- P. Conduct an annual study of the provisions of this development code, and make a report of recommendations to the Zoning Commission and City Council during January of each year or more often as deemed necessary;
- Q. Assist in providing public information relative to this development code;
- R. Conduct daily administration of the development code;
- S. Provide staff support for each entity listed;
- T. Issue permits when appropriate for uses allowed with administrative approval; and
- U. To make application for and provide evidence in support of the elimination of any restrictive covenants which run to the benefit of the City but which are not consistent with the provisions or objectives of this development code, and any amendments to this development code, which may be adopted.

2.1.3 Site Plan Review Board

A. Establishment

1. The Site Plan Review Board shall consist of representatives as designated by the Directors of Planning and Growth Management, Public Works, Inspections, and Chiefs of Police and Fire.
2. The representatives may consist of persons with expertise in the following areas: planning, zoning administration, public works, traffic engineering, architecture, building inspections, public safety and landscape architecture. If the City has no person with expertise in one of these areas, the Zoning Administrator will recommend to the City Council a person with expertise in the non-represented area and request that person to be appointed to the Site Plan Review Board. The City Council may also appoint a non-voting member to the Site Plan Review Board to represent the art community in Peoria.
3. The Site Plan Review Board may adopt its own rules and regulations. The Zoning Administrator shall serve as chairperson. All meetings of the Site Plan Review Board shall be at the call of the chairperson or any two other members of the Board.

B. Authority

1. Conduct a technical review of site plans and official development plans and find solutions to site plan problems which are compatible with the purposes of this development code.
2. Approve and disapprove site plans submitted as part of any application for zoning certificates for permitted uses:
 - a. As required in the R6, R7, R8, CN, CG, B1, P1, I1, I2, I3 and N1 Base Districts;
 - b. As required in the Form Districts;
 - c. As required in the Overlay Districts; and
 - d. In Critical Traffic Management Areas.
 - e. The Site Plan Review Board may, as a condition of approval prior to the issuance of a zoning certificate, require the property owner to pay for certain adjacent off site improvements.
3. Make findings and recommendations with respect to site plans submitted as part of any application for a:
 - a. Major variance;
 - b. Special use;
 - c. Official development plan;
 - d. Subdivision plat;
 - e. Planned Form Districts; or
 - f. Zoning certificate.
 - g. Findings and recommendation made pursuant to this paragraph shall, when applicable, become a part of the above judgment decision criteria with respect to any relief or remedies being sought. In circumstances where the foregoing relief has been sought, final authority resides with the Zoning Board of Appeals or City Council.
4. Grant or deny applications for minor variances for any site in which it is required to approve or disapprove site plans in those cases where no timely objection has been filed.
5. Review, and submit comments to the Zoning Commission, on all proposed map amendments.

C. Site Plan Review Criteria

Standards to be used by the Site Plan Review Board shall include but not be limited to the following:

1. The provisions of this development code.
2. The provisions of any adopted plan (see 1.6).
3. Supplementary engineering and planning studies or guidelines which have been adopted by the Site Plan Review Board.

4. Customary engineering and site development standards used in Peoria.
5. Any standards or criteria in a City adopted project or redevelopment plan.

D. Effect of Decision

1. No zoning certificate shall be issued for any zoning lot for which site plan approval is required by the Site Plan Review Board unless the construction is approved by the Site Plan Review Board or in the case a Zoning Compliance Certificate for such construction has been issued.
2. The effect of the Site Plan Review Board's disapproval is that no zoning certificate, required for a building permit, shall be issued. The member of the Site Plan Review Board who denies the Site Plan is responsible for responding to the applicant regarding that denial. Appeals of decisions by the Site Plan Review Board may be made to the Zoning Board of Appeals as set forth below.
3. The Site Plan Review Board shall keep a public record of its resolutions, findings, and determinations, and notify, in writing within five working days, petitioners for plan review of the decision of the Board.

E. Appeal of Decision

1. Time

Any final decision of the Site Plan Review Board may be reviewed by the Zoning Board of Appeals providing that timely notice of appeal is filed by an interested party within ten days after the Site Plan Review Board's decision, or in the case of minor variations, within ten days after interested persons receive actual or constructive notice of a decision by the Site Plan Review Board's granting or denying a variation.

2. Interested Persons

Appeals and objections may be taken or filed by any person occupying or holding an interest in the property which is the subject of the Site Plan Review Board's decision, or the owners or occupants of property located within two hundred 250 feet of the subject property.

3. Presumptions and Evidence

The decision and findings of fact made by the Site Plan Review Board shall be presumed correct by the Zoning Board of Appeals. Interested persons, including but not limited to the City staff, the owner of the affected property, and other interested parties may present evidence under oath to support or rebut the decision and factual findings made by the Site Plan Review Board. The record of any matter decided by the Site Plan Review Board shall become part of the record. Decisions by the Zoning Board of Appeals shall be final administrative decisions.

(Ordinance No. 16,222, § 1, 12-11-07)

2.1.4 Planning Commission

A. Establishment and Rules of Procedure

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

B. Authority

1. Receive and make findings and recommendations to the City Council on Neighborhood Conservation Plans proposed as amendments to the Comprehensive Plan for the designation of a Neighborhood Conservation Overlay District;
2. Review all applications for subdivision plats with waivers, hold public hearings thereon and report findings and recommendations to City Council; and
3. Review all applications for multi-family plans, hold public hearings thereon and report findings and recommendations to City Council.
4. Hold public hearings, review, and make recommendations to the City Council concerning the Comprehensive Plan of the City and proposed annexations to the City.

2.1.5 Zoning Commission

A. Establishment and Rules of Procedure

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

B. Authority

1. Review all applications for text and map amendments, hold public hearings thereon, and report findings and recommendations to the City Council in the manner prescribed in this development code;
2. Review all applications for special use and official development plans, hold public hearings thereon and report findings and recommendations to City Council;
3. Receive annually in the month of January from the Zoning Administrator recommendations as to the effectiveness of this development code as it relates to the purpose and intent of the regulations and any amendments the Zoning Administrator may recommend be made to the development code, and report the Zoning Commission's conclusions and recommendations on such matters to the City Council;
4. To review, hold the hearing and report to the City Council, with recommendations, those matters not treated above, which the City Council has referred to it;
5. Review all applications and recommendations from the Site Plan Review Board with respect to special exceptions under regulations governing Neighborhood Conservation Overlay Districts, hold public hearings thereon, and make a final determination as to whether such special exceptions should be granted or denied;
6. To review, hold public hearings, and make recommendations to the City Council with respect to any application for elimination or changes in any existing covenants restricting land uses, which are enforceable by the City.

2.1.6 Zoning Board of Appeals

A. Establishment and Rules of Procedure

1. The Zoning Board of Appeals shall be comprised of seven members. A quorum of four members is necessary, in order to conduct business. Any decision of the Zoning Board of Appeals shall be based on an affirmative vote of those members voting.
2. The Zoning Board of Appeals may adopt its own procedures; however, in order to vote, a member of the Zoning Board of Appeals must be in attendance of the proceedings subject to the vote.
3. All appointments to the Zoning Board of Appeals shall be made by the Mayor, subject to the approval of the City Council. The Chair shall be appointed by the Mayor, subject to the approval of the City Council. Members of the Board shall serve terms as set forth in 2-162 of the Peoria City Code.

B. Authority

1. To hear objections to or appeals of final determination or decisions made by the Zoning Administrator or Site Plan Review Board.
2. To approve or disapprove major variations and minor variations for which objections have been filed from the terms of this development code in the manner set forth in the provisions of this development code pertaining to variances.

2.1.7 City Council

A. Establishment

The City Council, in accordance with the Constitution of the State of Illinois and the Revised Statutes of the State of Illinois, is hereby authorized to continue and to exercise such authority as is provided in this development code.

B. Authority

1. Receive recommendations from the Zoning Commission, and take action upon all proposed amendments, special uses, and Official Development Plans.
2. Receive recommendations from the Planning Commission, and take action upon proposed subdivision plats with waivers and multi-family plans.
3. Review and where appropriate, act upon the annual report from the Zoning Commission and Zoning Administrator concerning the status of this development code with regard to effectiveness of the development code, administrative procedures and relationships to the adopted plans (see 1.6).
4. Receive and act upon other matters required by this development code and forwarded by the Zoning Administrator, other City Officials or citizens.
5. Approve or deny any application for modification or elimination of restrictive covenants after receiving recommendations and findings of fact from the Zoning Commission.

2.2 ZONING CERTIFICATES

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

2.2.1 Purpose

A. Zoning Compliance Certificate

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

B. Zoning Exception Certificate

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

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

2.2.2 Zoning Exception Certificates

A. Failure to Obtain Certificate

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

B. Standards

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

C. Map

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

D. Required Conformance

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

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

2.2.3 When Zoning Certificates are Required

A. Prior to Construction and Prior to Conveyance of Property

- 1. Except as provided elsewhere in this development code, no permit, including a building permit, pertaining to the use of land or buildings shall be issued by an officer, department, or employee of the City of Peoria unless the application for such permit has been examined by the Zoning Administrator, and has placed their compliance certification on it or has affixed to it a Zoning Certificate, indicating the proposed building, structure or use complies with all the provisions of this development code.
- 2. The following permits are exempt from the requirement of a Zoning Certificate and may be issued without the compliance certification of the Zoning Administrator or the issuance of a Zoning Certificate:
 - a. Heating and electrical permits that do not expand service to a change of or increase in use; and
 - b. Building permits for work that is totally interior within an existing building and does not involve a change of use or a nonconforming use.
- 3. Any permit or certificate issued in conflict with the provisions of this development code, shall be null and void.
- 4. No instrument which immediately conveys or provides for the future conveyance of the fee interest in any property within the City of Peoria including an Agreement for Warranty Deed shall be recorded and no beneficial interest in a land trust which holds title to property within the City shall be transferred (except for a transfer of an interest, solely to secure performance of an obligation) until a Zoning Certificate has been issued for the property which is to be conveyed, or in the case of an interest in a land trust, until a Zoning Certificate has been issued for any property held by the trust which is located within the City of Peoria. The following transfers are exempt from the requirements of this paragraph provided that a Zoning Certificate Exemption in the form provided by the Zoning Administrator is signed by the owner; beneficial interest holder, if a land trust; or an attorney at law or in fact:
 - a. Deeds to or trust documents relating to property acquired by any governmental body or from any governmental body or deeds to property between governmental bodies, or by or from any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes.
 - b. Deeds or trust documents which secure debt or other obligation.
 - c. Deeds or trust documents which, without additional consideration, confirm, correct, modify, or supplement a deed or trust document previously recorded.
 - d. Deeds or trust documents where the actual consideration is less than \$100.
 - e. Tax deeds.
 - f. Deeds or trust documents of release of property which is security for a debt or other obligation.
 - g. Deeds of partition.
 - h. Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of corporations pursuant to plans of reorganization.
 - i. Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.
 - j. Deeds for a single family dwelling, including residential condominium units.

- k. Deeds representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States.
 - l. Deeds issued to a holder of a mortgage, as defined in Section 15-103 of the Code of Civil Procedure, pursuant to a mortgage foreclosure proceeding or pursuant to a transfer in lieu of foreclosure.
 - m. Undeveloped parcels of land.
 - n. Deeds delivered, without regard to whether the Agreement for Warranty Deed was recorded, pursuant to an Agreement for Warranty Deed entered into prior to June 1, 1990.
 - o. Deeds delivered, without regard to whether the Agreement for Warranty Deed was recorded, pursuant to an Agreement for Warranty Deed on or after June 1, 1990, for which a zoning certificate has previously been issued by the Zoning Administrator.
 - p. Nonresidential uses in the Commercial, Industrial, Institutional, and Form Districts.
5. Zoning Certificates shall be issued pursuant to rules adopted by the Zoning Administrator, and shall state whether the property which is the subject of the certificate is in compliance with the provisions of this development code. Notwithstanding the foregoing, the Zoning Administrator may adopt rules permitting a certificate to be issued based on information supplied by the applicant for certain classes of property by the City or its agents. Any Zoning Certificate which is issued as a result of information supplied by the applicant and not on the basis of a property inspection by the City shall state that it has been issued in reliance upon information supplied by the applicant, and that it is not valid if it has been issued in reliance on information provided by the applicant which is not true and correct. In any case where a Zoning Certificate has not been acted upon within one year of the date of its issuance, or any city license or permit resulting from its issuance, then, without further action by the Zoning Administrator, said Zoning Certificate shall be null and void.

B. Zoning Certificate Required Other Sections of City Code

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

2.2.4 Plans and Drawings

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

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

(Ordinance No. 16,784§ 1, 01-10-12)

2.3 CERTIFICATES OF OCCUPANCY

2.3.1 Purpose

In reference to this development code, the purpose of a Certificate of Occupancy is to provide notice to the occupants of land whether completed improvements to real estate or new land conform to this development code. Certificates of Occupancy are issued by the Building Official and must have the approval of the Zoning Administrator.

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

No buildings, or addition, constructed after the effective date of this development code, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this development code shall be used for any purpose, including but not limited to vehicle parking, nor shall a new use, not previously covered by such a certificate, be instituted in an existing building or structure, until a Certificate of Occupancy has been approved by the Zoning Administrator.

2.3.3 Application for Certificate of Occupancy

Every application for a Building Permit or Zoning Certificate shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use of land, where no Building Permit is required, shall be made directly to the Zoning Administrator.

2.3.4 Standards for Certificate of Occupancy

No Certificate of Occupancy for a building, or portion thereof, constructed after the effective date of this development code, shall be approved by the Zoning Administrator until construction has been completed and certified by the Zoning Administrator to be in conformity with the documentations upon which the Building permit or Zoning Certificate was based. No Certificate of Occupancy for a building, or addition, constructed after the effective date of this development code, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Building Official to be in compliance with all applicable City ordinances and regulations covering zoning, building and subdivision matters.

2.4 ADMINISTRATIVE DEVIATIONS

2.4.1 Authority

The Site Plan Review Board is authorized to approve administrative deviations to certain requirements of Article 6.0, Form Districts and the CN and CG Districts, as specified below. This optional process shall occur only where the applicant requests an administrative deviation to a district standard as specified below.

2.4.2 Applications

The applicant shall provide to the Zoning Administrator all of the information required for making a decision, including a site plan or plot plan, elevations, photographs, and other materials as necessary. The Zoning Administrator shall then forward the application to the Site Plan Review Board for review and approval.

2.4.3 Administrative Deviation Review

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

A. Building Envelope Standards

1. Height

- a. Minimum and maximum story heights - up to 10% for any one story, limit of 5% for any cumulative increase or decrease in building height. Street wall/fence requirements – up to 10%.
- b. Finished floor elevation – up to 5%.

2. Siting

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

3. Elements

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

B. Architectural Standards

1. Primary and accent materials – up to 10%.
2. Reserved.
3. Shopfront entry geometry – up to 10%.
4. Materials – acceptable equivalent or better material.
5. Wall Signs – façade placement for one story structures constructed prior to the establishment of Land Development Code in any form district. The wall sign must align with or be framed by the building's major architectural elements such as doors, windows, moldings, pilasters, arches, roof eaves, and/or cornice lines. The deviation will not be allowed if the property meets the Applicability Standards per Section 2.16 of Commercial, Office, Industrial Expansion of Building Area 51% or greater or Commercial, Office, Industrial Façade Changes.
6. Awnings and Overhangs – minimum height location for one story structures constructed prior to the establishment of Land Development Code in any form district. The awning/overhang must align with or be framed by the building's major architectural elements such as doors, windows, moldings, pilasters, arches, roof eaves, and/or cornice lines. The deviation will not be allowed if the property meets the Applicability Standards per Section 2.16 of Commercial, Office, Industrial Expansion of Building Area 51% or greater or Commercial, Office, Industrial Façade Changes

2.4.4 Criteria for Administrative Deviations

To approve an administrative deviation, the Site Plan Review Board shall make an affirmative finding that all of the following criteria are met:

- A. That granting the administrative deviation will not have an adverse impact on land use compatibility;
- B. That granting the administrative deviation will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed;
- C. In the Form Districts, that granting the administrative deviation will not have an adverse impact on the urban form and/or the street-space;
- D. That granting the administrative deviation is consistent with the purpose and intent of this development code (see 1.4 and 1.5); and
- E. That granting the administrative deviation is consistent with the purposes and intent of the adopted plans (see 1.6).

2.4.5 Action for Unlisted Standards

Any request for deviation from the provisions of this development code not listed above shall be reviewed by the Zoning Board of Appeals in accordance with 2.6, Variations. All variations in a Form District shall be considered major variations.

(Ordinance No. 16,521, § 1, 01-12-10)

2.5 USES PERMITTED WITH ADMINISTRATIVE APPROVAL

2.5.1 Purpose

This procedure has been developed to permit certain uses, in certain districts, to be approved by the Zoning Administrator when such uses meet established standards as set forth below. The Zoning Administrator shall not vary any of the applicable conditions. Uses permitted with administrative approval include:

- A. Neighborhood Stores (see 5.3.3E).
- B. Child care homes;
- C. Family care facilities, and
- D. Group care facilities.
- E. Parks – passive recreation (see 5.3.2E)

2.5.2 Procedures and Appeals

- A. Upon receiving an application for a use with administrative approval, the Zoning Administrator shall process the application to determine its conformity with the applicable standards. If the land and its structures meet the standards, the permit shall be granted. If the land and its structures do not meet the standards, the permit shall be denied. The standards may not be varied in considering the application.
- B. Appeals from any decision of the Zoning Administrator concerning the granting or revocation of use with administrative approval shall be to the Zoning Board of Appeals pursuant to 2.1.6; provided, however, that the Zoning Board of Appeals shall not have the authority to grant a variance of any of these standards or requirements necessary to obtain the use with administrative approval.
- C. Applications of uses permitted with administrative approval that do not meet the established standards may be submitted by the applicant for approval, pursuant to the special use process (see 2.9).

2.5.3 Initiation and Application

Any person owning or having an interest in the subject property may file an application to use such land for a use permitted with administrative approval provided for in this ordinance in the zoning district in which the land is situated. Such application shall be submitted to the Zoning Administrator together with the application fee and such proof that the land and the structure comply with the requirements set forth for the permit, as the Zoning Administrator may require, including a site plan of the subject property.

2.5.4 Group Occupancy Uses Established Prior to March 6, 1984

Group Occupancy uses established prior to March 6, 1984, which presently are required by this ordinance to obtain administrative approval may continue such use if application to the Zoning Administrator was made prior to September 1, 1984 with proof that the use existed prior to said date and proof that the minimum off-street parking spaces as required prior to March 6, 1984 have been provided. The nonconforming use provisions as set forth in Article 10.0 Nonconformities, shall not apply. Any property for which an application has not been received by September 1, 1984 shall be required to meet the standards specified in 2.5.8.

2.5.5 Term of Approval

- A. In any case where a use permitted with administrative approval has not been established within six months after the granting of the permit, then without further action by the City, the use permitted with administrative approval shall be null and void.
- B. If a use permitted with administrative approval, including an existing use, has been discontinued for a period of one year or more, it shall not be re-established without obtaining new approval as provided for in 2.5.8.

2.5.6 Revocation

The Zoning Administrator may revoke a use granted with administrative approval upon giving the owner and any interested persons who applied for the use at least ten days written notice of the grounds for revocation and the opportunity for a public hearing before the Zoning Administrator at which time they may present

evidence bearing upon the question and cross-examine witnesses. The grounds for which a use permitted with approval may be revoked are:

- A. The owner or interested person applying for the use has knowingly furnished false or misleading information or withheld relevant information on any application for any use or knowingly suffered or caused another to furnish or withhold such information on their behalf;
- B. The owner, agent, employee, officer, tenant, licensee or occupant has violated any of the provisions of this section, or that the property no longer complies with the standards necessary to obtain a use with administrative approval; provided, however, that the Zoning Administrator shall give at least ten days prior written notice to the owner of the alleged violation of the manner in which the property no longer complies with the standards, with the opportunity to correct the problem during said time provided further, however, that violations of Article 10.0, Nonconformities, shall not be cause for revocation;
- C. The property owner shall be responsible for the acts of their agents, employees, officers, tenants, licensees, and occupants.
- D. The property has become a nuisance as that term is defined below.

2.5.7 Nuisance

A property shall be considered a nuisance when any of the following shall occur:

- A. The owner, agents, employees, officers, tenants, licensees or occupants have been convicted of three or more violations of this development code for occurrences in any twelve-month period arising out of the use of said property or occurring on said property.
- B. The owner has received three or more notices for the property from the Zoning Administrator during any twelve-month period which have not resulted in revocation of the use granted with administrative approval due to the fact that the owner has corrected the alleged violation.

2.5.8 Group Occupancy

A. Purpose

- 1. In order to accomplish the purpose and intent of this development code, the City has adopted regulations limiting the density, bulk, and number of dwelling units in each of the residential districts. This development code also limits the occupancy of each dwelling unit to a single family.
- 2. In order to accomplish these objectives without prohibiting those group occupancies which are compatible with the neighborhoods in which they are located, and without unlawful restrictions against protected populations, the City adopts the following provisions set forth below.

B. Group Occupancies Permitted with Administrative Approval

- 1. Family Care Facility and Group Care Facility. A non-medical facility for the housing of no more than eight unrelated persons (inclusive of residential staff), who due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require assistance and/or supervision, and who reside together in a family-type environment as a single, housekeeping unit. Excluded from the definition of family care facility are homes established for or occupied by residents who are permitted to live in halfway houses including residences in which residents are criminal offenders in work release sentence or on parole or probation, or persons who use or are addicted to a controlled substance.
- 2. A group care facility is the same as a family care facility but may provide housing for no more than 15 persons.

C. Standards for Group Care Facilities and Family Care Facilities

No use permitted with administrative approval shall be approved by the Zoning Administrator unless the standards as set forth 5.3.1B.7 are met.

D. Revocation of Administrative Approval for Group Occupancy

Administrative approval of a group occupancy shall be revoked in the event the Zoning Administrator determines it has not been operated in conformance with the standards as set forth 5.3.1B or other requirements of this development code. The Zoning Administrator shall conduct a hearing prior to revoking any such approval. An appeal of any such revocation shall be heard by the Zoning Board of Appeals.

2.5.9 Child Care Homes

A child care home, which by definition provides care for eight or less children, including any children who may reside in the home, shall be a permitted use with administrative approval in all residential districts when they meet the conditions set forth in 5.3.2A. Such child care homes shall be accessory uses to the dwelling structure. Only family members of the dwelling resident may be employed. Such family members must also reside in the dwelling unit in which the child care home operates. Child care homes shall conform to all applicable state and local statutes, ordinances and regulations.

(Ordinance No. 16,556, § 1, 04-27-10; Ordinance No. 16,575, § 1, 06-22-10; Ordinance No. 16,609, § 1, 09-28-10)

2.6 VARIATIONS

2.6.1 Purpose

The purpose of providing for variations is to enable the City to grant relief from the strict interpretation of the standards of this development code where they impose a particular hardship or difficulty because of unique or peculiar circumstances for land or use. Variations shall only be granted which are, in the judgment of the Zoning Administrator, Site Plan Review Board, Zoning Board of Appeals or City Council, as applicable, in harmony with the general purposes and intent of this development code and which meet the requirements as set forth below.

2.6.2 Types of Variations

A. Minor Variations

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

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

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

B. Major Variations

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

2.6.3 Authority

A. Minor Variations

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

B. Major Variations

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

2.6.4 Procedure

A. Filing of Application

Any person, firm, corporation, office, department, or other legal entity having an interest in land, or a possessory interest, option to purchase or a contractual interest which may become a freehold interest or any exclusive possessory interest, and which is specifically enforceable, may file an application for a variance with the consent of the property owner.

B. Decision by Zoning Administrator

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

C. Procedure for Minor Variations

1. Applications for minor variations shall be submitted to the Zoning Administrator who shall set a date for a hearing on such application before the Zoning Administrator or Site Plan Review Board, as applicable.
2. At the hearing with the minor variation applicant, the Zoning Administrator or Site Plan Review Board may grant preliminary approval or deny approval of the request for the minor variation pursuant to the standards in paragraph F below and the authority to impose conditions in paragraph G below.
3. The Zoning Administrator shall mail notices of the hearing to assesses, per department procedures, of the subject property and all property which adjoins or would adjoin the subject property except for the presence of a street or alley adjacent to the subject property for which a preliminary approval of a Minor Variance has been granted by the Zoning Administrator or Site Plan Review Board. The notice shall state that the preliminary approval granted shall become final if no interested party files a written objection to the requested variance within ten days of the date of the notice. All written objections must state the basis for the objection to the requested minor variation. The Zoning Administrator shall also authorize the posting of the Official Notice of Public Hearing Sign, per published department procedures, on the subject property. The unauthorized removal of the Official Notice of Public Hearing Sign shall be deemed a violation of this development code.
4. In the event the owner or occupant of any property located within 250 feet of the subject property files a written objection to the proposed minor variation with the Zoning Administrator within the allowed time, the minor variance request shall not receive final approval.
5. Applicants for minor variances that have not received final approval or that have been denied approval may file an application for a major variance public hearing by the Zoning Board of Appeals.

D. Procedure for Major Variations

Upon receipt of an application for major variation, the Zoning Administrator shall cause the proposal to be reviewed by the appropriate members of City staff, and recommendations and proposed findings of fact to be forwarded to the Zoning Board of Appeals. In the event the proposed variation is for property subject to site plan review, the recommendations and findings of fact shall be made by the Site Plan Review Board. However, if the proposed variation is for property which is not subject to site plan review, the recommendations and proposed findings of fact shall be made by the Zoning Administrator.

E. Notice Requirements for Public Hearing for Major Variation

Not less than 15 days nor more than thirty 30 days prior to a public hearing for Major Variation, notice of the time and place of such public hearing shall be advertised by:

1. Publication at least once in a newspaper of general circulation within the Heart of Peoria;
2. Mailing of notices of the hearing by the City of Peoria to assesses, per department procedures, of the subject property and all property within 250 feet of the property line of the subject property; and
3. The posting of the Official Notice of Public Hearing Sign, by the petitioner, per department procedures, on the subject property. The unauthorized removal of the Official Notice of Public Hearing Sign shall be deemed a violation of this development code.

F. Standards for Variations

No variations from this development code shall be granted unless the entity or person granting such variation shall make findings of practical difficulties or particular hardship based upon the evidence presented to them in each specific case with respect to one or more of the following:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
2. The property in question cannot yield a reasonable economic return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located;

3. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
4. The purpose of the variation is not based primarily upon a desire to increase financial gain;
5. The practical difficulty or hardship is caused by this development code and has not been created by any persons presently having an interest in the property;
6. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
7. The granting of the variation will not alter the essential character of the neighborhood or locality;
8. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
9. The proposed variation is the minimum variation necessary to provide relief from the practical difficulty or particular hardship; and
10. The proposed variation is consistent with the adopted plans (see 1.6) and other codes and regulations of the City.

G. Right to Impose Conditions

The person or entity granting any variance may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this section and the objectives of this development code.

H. Allowable Variations

Except as otherwise provided, minor and major variations that meet the standards established in paragraph F above, may be granted from the standards set forth in this development code including but not limited to time requirements, bulk requirements and yard requirements. However, in no instance shall a variance for a use change be granted. A use change shall be obtained with a map amendment (see 2.8) or pursuant to Article 10.0, Nonconformities.

I. Revocation

Where a variation has been granted pursuant to the provisions of this development code, such approval shall become null and void unless work is complete within 24 months of the date of issuance, unless a more restrictive time period is made a condition of the granting of either a Minor Variance or Major Variance.

J. Effect of Denial of a Proposed Variance

No application for a variance which has been denied by the Zoning Board of Appeals shall be submitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Zoning Administrator.

(Ordinance No. 16,348, § 1, 10-28-08; Ordinance No. 16,521, § 1, 01-12-10; Ordinance No. 16,784 § 1, 01-10-12)

2.7 APPEALS

2.7.1 Review of Final Decision

An appeal may be taken to the Zoning Board of Appeals from any order, requirement, decision or determination made by the Zoning Administrator or the Site Plan Review Board (SPRB), by any person aggrieved by action taken under the regulations of this development code. The Zoning Board of Appeals shall hear the appeal and decide to affirm, reverse or modify and place conditions upon any order of the Zoning Administrator or Site Plan Review Board.

2.7.2 Initiation

An appeal may be taken to the Zoning Board of Appeals, within 30 days of an administrative ruling, by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision or determination under this development code by the Zoning Administrator or Site Plan Review Board.

2.7.3 Processing

- A. An appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois.
- B. The fees for all appeals shall be as set forth in 2.14.

2.7.4 Public Hearing and Notice

Notice of all Zoning Board of Appeals hearings shall be made in the same manner as notice of applications for major variations. A public hearing on all appeals shall be conducted by the Zoning Board of Appeals. The Zoning Administrator or Site Plan Review Board may appear as a party at such hearings.

2.7.5 Zoning Board of Appeals Decisions

Following a hearing by the Zoning Board of Appeals on any appeal from a Site Plan Review Board decision, an administrative order, requirement, decision or determination relating to this development code, the Zoning Board of Appeals shall make findings and affirm, reverse or modify the Site Plan Review Board or administrative decision. A decision by the Zoning Board of Appeals shall be final administrative determination. The Zoning Board of Appeals shall not, by its decision on appeal, permit a variation in the application of the regulations of this chapter. In order to reverse or modify an action, any one or combination of following findings must be satisfied:

- A. That the provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.
- B. That the Zoning Administrator or SPRB misinterpreted the provisions of this chapter.

The Zoning Board of Appeals shall decide an appeal within 30 days after close of the hearing thereon unless this time period is extended by mutual consent of the Zoning Board of Appeals and the applicant.

(Ordinance No. 16,436, § 1, 06-09-09)

2.8 AMENDMENTS

2.8.1 Authority and Declaration of Public Policy

For the purpose of promoting the public health, safety, and general welfare, the City Council may amend the regulations imposed in the districts created by this development code as set forth below. Also the City Council may amend district boundary lines, provided that in all mandatory ordinances adopted under the authority of this section, due allowances shall be made for the following:

- A. Existing conditions;
- B. The policies, standards, and principles of the adopted plans (see 1.6);
- C. The conservation of property values;
- D. The trend of development within the Heart of Peoria and the area for which amendment is proposed; and
- E. The uses to which property is devoted at the time of the adoption of such amendatory ordinance.

2.8.2 Initiation of Amendments

- A. Any person, firm, corporation, office, department, or other legal entity having an interest in land, or a possessory interest, option to purchase or a contractual interest which may become a freehold interest or any exclusive possessory interest, and which is specifically enforceable, may file an application for an amendment with the consent of the property owner.
- B. District boundary amendments may also be proposed by the City of Peoria.
- C. Amendments to the text of this development code may be proposed by the Zoning Commission, Zoning Administrator, or by any person.

2.8.3 Application for Amendment Procedure

An application for an amendment to this development code shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator. The Zoning Administrator, upon receiving an application for amendment shall determine and certify that the application is complete, and shall forward it to the Zoning Commission for review, public hearing and a recommendation to the City Council. All proposed map amendments shall be reviewed by the Site Plan Review Board prior to public hearing by the Zoning Commission.

2.8.4 Zoning Commission Hearing

The Zoning Commission shall schedule a public hearing on any proposed amendment in accordance with existing procedures and the Statutes of the State of Illinois. Such public hearing shall be scheduled within 60 days after certification that the application is complete and all required submittals have been received. The public hearing shall be conducted and a written record of the proceedings shall be preserved by the Zoning Administrator acting as secretary to the Zoning Commission.

2.8.5 Notice Requirements for Public Hearing

Not less than 15 days nor more than thirty 30 days prior to a public hearing for amendments, notice of the time and place of such public hearing shall be advertised by:

- A. Publication at least once in a newspaper of general circulation within the Heart of Peoria;
- B. Mailing of notices of the hearing by the City of Peoria to assesses, per department procedures, of the subject property and all property within 250 feet of the property of the subject property; and
- C. The posting of the Official Notice of Public Hearing Sign, by the petitioner per department procedures, on the subject property. The unauthorized removal of the Official Notice of Public Hearing Sign shall be deemed a violation of this development code.

2.8.6 Findings of Fact and Recommendation of the Zoning Commission

- A. The Zoning Commission shall submit written recommendations to the City Council within 45 days of the conclusion of the public hearing. Extension of this time period may be allowed by mutual written consent of the applicant and the Zoning Administrator. Where the purpose and effect of the proposed

amendment is to change the zoning classification of a particular property, the Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following factors:

1. Existing uses of property within the general area of the property in question;
 2. The zoning classification of property within the general area of the property in question;
 3. The suitability of the property in question to the uses permitted under the existing zoning classification;
 4. The trend of development, if any, in the general area of the property in question, including changes to land use or prior amendments to the zoning district regulations thereby altering conditions for use, and development of a property;
 5. The suitability of the property for the use or uses proposed by the proffered amendment;
 6. Investigation of other suitable ways of accomplishing the proposed purpose of the amendatory petition;
 7. The health, safety and general welfare of the Heart of Peoria in the general and immediate area of the property subject to the amendment in particular;
 8. The enjoyment of property by neighbors for its intended use;
 9. That granting the amendment is consistent with the purpose and intent of this development code (see 1.4 and 1.5); and
 10. That granting the amendment is consistent with the purpose and intent of the adopted plans (see 1.6).
- B. The Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment meets the finding of facts requirements, is not detrimental to the public interest, and is in keeping with the policies of the Official Comprehensive Plan of the City of Peoria. The Zoning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this development code, the R1 District shall be considered the highest classification and the I3 district shall be considered the lowest classification.

2.8.7 Action by the City Council

- A. The City Council shall not act upon a proposed amendment to this development code until it shall have received written report and recommendations from the Site Plan Review Board and the Zoning Commission on the proposed amendment. The report from the Zoning Commission shall incorporate their findings of fact as specified in 2.8.6. Upon receipt of such findings of fact the City Council shall consider the proposed amendment within 30 days of receipt of Zoning Commission written findings of fact and a recommendation. The City Council shall render its decision in a timely manner.
- B. The City Council shall take action on all proposed amendments to this development code forwarded to it by the Zoning Commission.

2.8.8 Limitation on Jurisdiction

- A. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across the alley therefrom, or by owners of 20% of the frontage directly opposite the frontage proposed to be altered, as to such regulations or district, filed with the City Clerk, such amendment shall not be passed except by the affirmative vote of two-thirds of Council members actually voting, but in no case shall an amendment be passed by less than the affirmative vote of six City Council members. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment upon the applicant's attorney, if any, by certified mail or by personal service at the address of such applicant or attorney shown in the application for the proposed amendment.

- B. Any such written protest, in order to be valid, must be filed with the City Clerk by 11:00 a.m. on the day before the City Council hears the application for the proposed amendment; said written protest shall include a certification that it was in fact served upon the applicant or the applicant's attorney as set forth above.

2.8.9 Effect of Denial of a Proposed Amendment

No application for an amendment which has been denied by the City Council shall be submitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Zoning Administrator.

2.8.10 Planned Form District

A. Purpose

The following additional requirements allow for the creation of a new form district or new building envelope standards within an existing form district. A new form district or new building envelope standards shall be granted only in accordance with the procedures as set forth below.

B. Applicability

1. The minimum gross area required for a new form district is ten contiguous acres. Land may be under common or multiple ownership. The City Council may reduce this minimum acreage requirement where a project clearly meets the purpose of this district.
2. No new form district or new set of building envelope standards shall be approved that would permit the erection or development of structures that could be authorized under the requirements that apply to variations (see 2.6) or administrative deviations (see 2.4).

C. Pre-Application Conference

1. Prior to filing a formal application for approval, the applicant shall schedule a pre-application meeting with the Zoning Administrator.
2. The purpose of the pre-application conference is to allow the Zoning Administrator to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures that may affect the proposed development. The pre-application conference allows the applicant to present a general concept of their proposed development prior to the preparation of a detailed plans and associated development standards. The applicant shall present material including the following
 - a. A written "Letter of Intent" from the applicant establishing their intentions as of the new form district or new building envelope standards.
 - b. A location map.
 - c. Sketch plans and ideas regarding the proposed uses, building forms, intensities, and street classifications.
 - d. Other material the applicant may wish to present or the Zoning Administrator may reasonably request.

D. Application Requirements

1. All applications shall be submitted and reviewed in accordance with 2.8.1 through 2.8.9. The Zoning Administrator may request additional information as needed in order to ensure the submittal contains sufficient material for adequate review. At a minimum, the submittal shall require the following material:
 - a. An illustrated master plan, a regulating plan and associated district standards comprised of building envelope standards, streetscape standards, and architectural standards; or
 - b. A replacement master plan, replacement regulating plan, and new building envelope standards. Where new building envelope standards are proposed, they shall be based on the existing building envelope standards in the Form Districts of this development code.

2. Where the proposal is to expand an existing Form District, and information is already on file with the City that provides an accurate extension of the regulating plan and building envelope standards, no additional application materials shall be required from the applicant.
3. All required improvements, construction standards, design standards and all other engineering standards contained within the Article 9.0 must be complied with, except where specifically modified through the approval process.

2.9 SPECIAL USES

2.9.1 Purpose

It is recognized that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district. Such uses require consideration of their impact upon neighboring land and of the public need for the particular use in a given location. Special uses fall into two categories:

- A. Uses publicly operated or traditionally associated with a public interest; and
- B. Uses entirely private in character, but having unusual characteristics so that their operations may give rise to unique circumstances with respect to their impact upon neighboring property or public facilities.

2.9.2 Applicability

Special use review is required as set forth in the Permitted Use Table (see 5.2).

2.9.3 Initiation of a Special Use

- A. Any person, firm, corporation, office, department, or other legal entity having an interest in land, or a possessory interest, option to purchase or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application with the consent of the property owner, to use such land for one or more of the special uses provided for in this development code.
- B. Where an amendment is being sought to a previously issued special use where there are multiple owners of the property, the consent of a property owner or owners shall only be required from such owner or owners of property whose use, limitations or site requirements would be amended or changed by such application, with all other owners (whose properties are not so affected but are covered by the previously issued special use) to be listed in the application for special use and provided notice in accordance with the requirements of 2.9.7.
- C. Notwithstanding the foregoing, the applicant shall mail the other property owners notice of the proposed amendment of the special use not less than 15 days nor more than 45 days prior to the public hearing. The application shall submit certification of the mailing of the notice of the proposed amendment of the special use prior to the public hearing.
- D. A special use may also be initiated by the City of Peoria.

2.9.4 Application for Special Use

- A. An application for a special use shall be filed with the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator, including, but not limited to a detailed site plan, conceptual rendering and elevations. The site plan shall contain as a minimum the following:
 - 1. Points of ingress and egress for the proposed development.
 - 2. Parking plan illustrating internal circulation for the proposed development.
 - 3. Sign plan for all activity.
 - 4. Landscaping, screening and buffering plans illustrating specific treatment for screening adjacent residential areas from undesirable impacts from the activity on the proposed site.
 - 5. Exterior lighting plan illustrating the location of all illuminating fixtures.
 - 6. Estimated traffic generation of the proposed development.
 - 7. Illustration of any special treatment of the proposed site that enhances the quality of design.
 - 8. Boundary lines; bearings, distances and acreage.
 - 9. Easements; location, width and purpose.
 - 10. Streets on, adjacent to, the tract; street name, right-of-way width, existing or proposed center line elevations, pavement types, walks, curbs, gutters, and culverts.

11. Open space; all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
 12. Map data; name of development, north point, scale and date of preparation.
 13. An accurate legal description of the subject property.
 14. Designation of proposed use of the property, the location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put.
 15. Elevations.
- B. After the Zoning Administrator certifies the application to be completed, it shall be forwarded from the Zoning Administrator to the Site Plan Review Board for technical review and the Zoning Commission for public hearing and recommendation to the City Council.

2.9.5 Special Uses in the CG District

Use of land classified as a special use within the CG District shall provide the City of Peoria with a development impact statement. The development impact statement is designed to provide the decision-making process with adequate information relating to the impacts a large scale commercial use will have on economic, environmental, aesthetic, cultural, residential, and public services within the community. Criteria to be addressed in a development impact statement shall include the following:

A. Economic Statement

1. Projected property tax generation;
2. Projected sales tax generation adjusted for economic shift;
3. Projected benefits due to expanded customer/consumer service/product mix to be provided to the community; and
4. Impacts on surrounding property values.

B. Environmental Statement

1. Existing storm and sanitary sewers and their capacity;
2. Soils--type and classification for agricultural uses and structural stability;
3. Slope, proposed cut and fill;
4. Flood plain locations and impact of proposed development;
5. Protected water table recharge areas and development impacts;
6. Impacts on surrounding land use, [and] quality of life factors relating to physical, cultural, and aesthetic impacts the proposed development may have on surrounding existing land uses; and
7. Construction phases impacts, traffic on residential streets, erosion, inconvenience.

C. Public Services Statement

1. Transportation systems network impact;
2. Police/fire protection impact; and
3. General services impacts.
4. This statement may be replaced by a statement of no impact for the redevelopment expansion or reconstruction of existing development. The statement of no impact shall include rationale for each of the above criteria. The statement must outline the center's use of existing services and how the redevelopment, reconstruction, or expansion of the center will not impact those existing services.
5. Any application which does not include all of the indicated materials shall be rejected and returned to the developer.

2.9.6 Zoning Commission Public Hearing

The Zoning Commission shall hold a public hearing on each application at such time and place as shall be established by the Zoning Commission. Such hearing shall be scheduled not more than 60 days from the

submitted date of a complete application for a special use by the Zoning Administrator. The public hearing shall be conducted and a written record of the proceedings shall be preserved.

2.9.7 Notice Requirement for Public Hearing

Not less than 15 days nor more than 30 days prior to a public hearing for a special use, notice of the time and place of such public hearing shall be advertised by:

- A. Publication at least once in a newspaper of general circulation within the City of Peoria;
- B. Mailing of notices of the hearing by the City of Peoria to assesses, per department procedures, of the subject property and all property within 250 feet of the property line of the subject property; and
- C. The posting of the Official Notice of Public Hearing Sign, by the petitioner, per department procedures, on the subject property. The unauthorized removal of the Official Notice of Public Hearing Sign shall be deemed a violation of this development code.

2.9.8 Site Plan Review Board

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

2.9.9 Zoning Commission Findings

For each application for a special use the Zoning Commission shall, within 45 days of the conclusion of the public hearing on the application, render its decision to recommend the proposed special uses and shall report its recommendations to the City Council together with findings of fact relating to each of the standards. In making its decision, the Zoning Commission shall keep a written record of findings relative to the standards for considering special use applications as listed below.

2.9.10 Standards

No special use shall be recommended by the Zoning Commission, unless it shall find that:

- A. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
- B. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located;
- C. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. Adequate facilities, access roads, drainage and/or necessary facilities have been or will be provided;
- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- F. The proposed special use is not contrary to (supports and furthers) the objectives of the adopted plans (see 1.6);
- G. If a public use or a use providing public utility service, that such use or service shall meet a demonstrable public need, and provide a public benefit;
- H. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Zoning Commission.

2.9.11 Conditions and Guarantees

Prior to the granting of any special use, the Zoning Commission may recommend and the City Council may place such conditions and restrictions, upon the establishment, locations, construction, maintenance, and operation of the special use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards of requirements specified in 2.9.10. In all cases in which special uses are

subject to conditions, the Zoning Commission may recommend and the City Council require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

2.9.12 Effect of Denial of Special Use

No application for a special use which has been denied wholly or in part by the City Council, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or if proof of change of conditions is found to be valid by the Zoning Administrator.

2.9.13 Revocation

In any case where a special use is not in place and in active use within two years from the date of granting, and/or in accordance with the terms of the special use originally granted, then, without further action by the Zoning Commission and the City Council, the special use, or authorization thereof, shall be null and void.

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

2.10 OFFICIAL DEVELOPMENT PLAN

2.10.1 Purpose

The purpose of the official development plan is to provide a mechanism for the review and approval of land uses within the N1 District. It is anticipated that a separate official development plan shall be approved for each institution within the district, and that the official development plan for each institution will be applicable to all the property owned or controlled by the institution which is within an the N1 District.

2.10.2 Application for Adoption or Amendment of an Official Development Plan

An application for an official development plan shall be filed with the Zoning Administrator and shall be accompanied by a site plan and text setting forth the information described below, and such other information as shall be required by the Zoning Administrator:

- A. The boundaries of the area to be designated in the official development plan.
- B. The location of all existing structures, and structures for which building permits may be sought in the immediate future.
- C. Points of ingress and egress for the area designated within the official development plan.
- D. Any change from the requirements which would govern parking, signs, landscaping, setback, or yard use.
- E. Landscaping, screening and buffering plans illustrating specific treatment for screening adjacent areas from the impacts of activities on areas designated in the official development plan.
- F. An exterior lighting plan illustrating the location of all illuminating fixtures, or illuminated signs.
- G. Illustration of any special treatment of the proposed site that enhances the quality of design.
- H. Streets on, adjacent to, or within the area located within the official development plan.
- I. Customary map data such as the name of the institution seeking approval of an official development plan, north point, scale, and date of preparation.
- J. A legal description of the property to be located within an area designated in the official development plan.
- K. Specific designation of the uses, and special uses sought to be approved for the area within the official development plan, or for specific portions of the area designated in any such official development plan.
- L. Any variation from the overall required parking, or perimeter setback requirements which is sought.

2.10.3 Review of Application for Adoption or Amendment

- A. The application by interested persons or City officials for approval or amendment of an official development plan shall be forwarded by the Zoning Administrator to the Site Plan Review Board. After reviewing the application, the Site Plan Review Board shall prepare recommendations and a technical review and shall forward the application, its review and recommendations to the Zoning Commission. The Zoning Commission shall conduct a public hearing on the proposed official development plan, or amendment to such plan, pursuant to notice.
- B. Notice of any hearing on a proposed official development plan shall be provided in the same manner, and to the same persons as notices of an application for special uses.
- C. Where an amendment is being sought to a previously issued Official Development Plan where there are multiple owners of the property, the consent of a property owner or owners shall only be required from such owner or owners of property whose use, limitations or site requirements would be amended or changed by such application, with all other owners (whose properties are not so affected but are covered by the previously issued Official Development Plan) to be listed in the application for Official Development Plan and provided notice in accordance with the requirements of Section 2.9.7. Notwithstanding the foregoing, the applicant shall mail the other property owners notice of the proposed amendment of the Official Development Plan not less than fifteen (15) days nor more than forty-five (45) days prior to the Public Hearing. The applicant shall submit certification of the mailing of the notice of the proposed amendment of Official Development Plan prior to the Public Hearing.

- D. In the event that a variance or special use is sought in connection with the application for adoption of an official development plan, or an amendment thereto, the hearing on the proposed variance shall be conducted by the Zoning Commission at the same time as the hearing on the application for approval or amendment of the official development plan. The Zoning Commission shall make such findings as are relevant for consideration of variances or special uses.

2.10.4 Standards

No official development plan shall be recommended by the Zoning Commission unless it shall make findings relevant to the following:

- A. The adoption of the official development plan, and maintenance of uses permitted or designated in the plan will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
- B. The uses, landscaping, parking, screening, and signage designated in the plan will not be injurious to the uses and enjoyment of other property in the immediate vicinity, and will not substantially diminish property values in the neighborhoods adjacent to the area designated in the plan.
- C. Adequate facilities, access roads, drainage, and/or other necessary facilities exist or will be provided.
- D. Measures have been or will be taken to provide adequate ingress and egress to minimize traffic congestion of public streets.

2.10.5 Conditions and Guarantees

Prior to approval of any official development plan, the Zoning Commission may recommend and the City Council may place such conditions and restrictions on the land within the official development plan or upon the establishment, locations, construction, or operation of facilities described in the plan as it deems necessary for the protection of the public interest. Any such conditions, and the guarantees approved by the City Council shall become part of the plan and shall be enforceable in the same manner as all regulations contained in this development code.

2.10.6 Approval of the Plan

After receiving recommendations from the Zoning Commission with respect to a proposed official development plan, the City Council may reject the proposed plan, refer it back to the Zoning Commission for further hearing, or adopt an ordinance approving the official development plan. The City Council must take action upon any proposed official development plan within 60 days of receiving recommendations from the Zoning Commission. Any official development plan which has been adopted pursuant to the provisions of this section shall be construed as an amendment to this development code, and a notation designating the adoption of such plan shall be placed on the Zoning District Map maintained by the Zoning Administrator. Copies of all official development plans which have been adopted shall be kept by the Zoning Administrator and shall be available for public inspection.

(Ordinance No. 16,475, § 1, 09-28-09)

2.11 CRITICAL TRAFFIC MANAGEMENT AREAS

- A. The City Council may, upon request by the Site Plan Review Board, in the manner provided for amending this development code, designate specific areas as Critical Traffic Management Areas when such areas contain streets or portions thereof which are dangerous or hazardous, or lack sufficient capacity to efficiently accommodate existing and expected increases in traffic during the following ten year period.
- B. When the conditions requiring the designation are no longer present the designation may be removed in the manner provided for amending this development code.
- C. The effect of any designation shall be to require review by the Site Plan Review Board of any property which is located within a Critical Traffic Management Area. In addition, when the development, construction or alteration of any site increases the traffic burden on any Critical Traffic Management Area., the Site Plan Review Board may require the owner of the property for which such development is proposed to pay for improvements to the Critical Traffic Management Area. The Site Plan Review Board may require the owner of the property for which such development is proposed to pay for improvements to the Critical Traffic Management Area which would alleviate the expected increase in traffic associated with the development. Such payment shall be made, or secured in the same manner as payment for public improvements required under Article 9.0.

2.12 TRAFFIC IMPACT ANALYSIS

- A.** Any allowable use or use authorized by the Zoning Administrator which meets the following conditions shall be required to submit a traffic impact analysis:
 - 1. Any use in which the total floor area or outdoor retail sales lot area exceeds 50,000 square feet of gross floor area;
 - 2. Every medical office building, clinic, or office use where the total floor area exceeds 50,000 square feet;
 - 3. Every hotel or motel in excess of one 100 rooms;
 - 4. Every recreational facility, stadium, or similar establishment with a parking requirement in excess of 1,000 spaces;
 - 5. Quality restaurants in excess of 7,000 square feet;
 - 6. High turnover sit down restaurants in excess of 9,000 square feet;
 - 7. Drive-in or fast-food restaurants in excess of 3,000 square feet; or
 - 8. Any areas identified as a Critical Traffic Management Area as set forth in 2.11.
- B.** The traffic impact analysis will be reviewed by the Site Plan Review Board and the City Council respectively for the issuance of zoning certificates for permitted uses and the granting of special uses, and may impose conditions to mitigate any impacts from the increased traffic.

2.13 SUBDIVISION

2.13.1 Applicability

This section shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this development code.

2.13.2 Exemptions

This section shall not apply in the following instances or transactions. However, a survey plat made by an Illinois Registered Surveyor shall be filed for the plat officer's review and approval for conformance to this development code, other pertinent regulations and adopted plans (see 1.6) for paragraphs A through F and a subdivision plat for G, H, and I.

- A. The division of lots or blocks of less than one acre in any recorded subdivision which does not involve the need for any new streets or easements of access.
- B. The sale or exchange of parcels of land between owners of adjoining and contiguous land which does not create an additional lot.
- C. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
- D. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- E. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- F. Conveyances made to correct descriptions in prior conveyances.
- G. The division of land which is zoned for a shopping center for the purpose of transferring ownership and/or creating multiple owners of an original parcel within an approved site plan and where cross access and parking easements are maintained perpetually by recorded documents. A division per this section shall be for the transfer of ownership only and shall not require changes in setbacks, lot size and other requirements, nor shall the lot so created be considered a buildable parcel by itself.
- H. The division of a parcel containing existing buildings on commercial or industrial zoned property into zero lot line parcels containing portions of such buildings for the purpose of transfer of ownership where the property will perpetually share parking and access easements as evidenced by recorded documents. A division per this section shall be for the transfer of ownership only and shall not require changes in setbacks, lot size and other requirements, nor shall the lot so created be considered a buildable parcel by itself.
- I. The division of land which is part of an approved Planned Unit Development. A division per this section must be in conformance with the approved Planned Unit Development.

(Ordinance No. 16,424, § 1, 04-28-09)

2.13.3 Pre-application Conference

Pre-application conference between the developer and the Planning Director shall be scheduled upon submittal of an application form to Planning Director. No plans are needed, but the developer shall present the general concept to be pursued, the size of the project, and its location. The Planning Director shall inform the developer of the entire review process required by this development code and the type of information required to complete each step of review. The pre-application conference may be extended as necessary.

2.13.4 Certificates

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

2.13.5 Subdivision Within a Form District

The subdivision of land within a Form District shall follow the proposed street and block layout illustrated in the adopted regulating plan.

2.13.6 Sketch Plan

A. Application

Prior to the filing of a preliminary plat, the subdivider shall submit to the Planning Director material relating to the proposed subdivision in order to avail themselves of the advice and assistance of materials that shall be submitted and the process of review that will be utilized for the particular project that is proposed. The process and materials required for submittal for a development type not specifically listed in this development code will be identified at this stage. The Planning Director will make known its comments within one week to the subdivider. This may include information relative to the site and conditions of the site, number and size of lots proposed, etc. Submitted material should include:

1. Sketch Plan

The sketch plan shall show in simple form: proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan discussion does not require formal application, fee or filing of the plat.

2. General Subdivision Information

General subdivision information should describe or outline the existing condition of the site and the proposed development as necessary to supplement the drawing listed above. This information may include data on existing covenants, land characteristics, and available community facilities; and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, proposed covenants (if any), street layout, existing zoning, and surrounding land use.

3. Lots to be Used for Duplex Development

The developer of a proposed subdivision will work with the Planning Director in locating lots that are to be used for duplexes (two-family dwellings). These lots will be stated as such on both the preliminary and final plats and their number will not exceed ten percent of the total number of lots within each respective subdivision plat having ten or more lots. Any fraction thereof will be considered the next lowest number. For subdivision plats having five to nine lots, the Planning Commission may grant one duplex lot. For subdivision plats having fewer than five lots, no duplex lots are permitted.

2.13.7 Preliminary Plat

A. Filing of Preliminary Plat

The subdivider shall file with the Planning Director 12 copies of a preliminary plat for reference to the Planning Commission, and other officials as provided in this section. A letter shall be filed with the preliminary plat that states the ownership, the engineer, availability of water and sanitary sewer, requested variances, and other information pertaining to the commission's consideration.

B. Contents of Preliminary Plat

The preliminary plat shall contain the following information:

1. Description

- a. Name of proposed subdivision.
- b. Name and address of subdivider and owner.
- c. Name of engineer and registered land surveyor.
- d. Scale (1" = 100'), north point and date of preparation.
- e. Location sketch map showing relationship of the subdivision site to the surrounding area.

2. Existing Conditions

- a. Topography by contours at vertical intervals of two feet or less except when a greater interval is required because of terrain.
- b. Acreage to be subdivided.
- c. The location of all present property lines, section lines, streets, buildings, water courses, and other existing features within the area being subdivided.
- d. Existing outlets, drainage courses, and culverts within the tract or on streets immediately abutting.

3. Proposed Conditions

- a. Location, width and names of all proposed streets and walkways.
- b. Layout and scale dimensions of all lots, including minimum front and rear yard setback lines, and lot numbering.
- c. Draft of proposed protective covenants (if any) to be imposed.
- d. Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, walkways, playgrounds, schools, public buildings and similar semi-public uses, and whether such areas are to be public or private.
- e. Designation of any lots to be used for duplex development.

4. Certificates

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

C. Distribution and Review

The Planning Director shall distribute copies of the preliminary plat to the appropriate City governmental agencies and districts. All adjoining property owners will be notified of preliminary plat hearing ten days in advance. The Planning Director shall review the preliminary plat and make recommendations thereon to the Planning Commission.

D. Failure of Planning Commission to Act

If the Planning Commission fails to approve or disapprove a preliminary plat within 30 days after the date such plat is submitted to it or from the date the subdivider has submitted the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved.

E. Effect of Approval

1. Approval of the preliminary plat, including required modifications, indicates that if the final plat is substantially in conformance with the preliminary plat, the final plat will be approved.
2. Such approval shall be effective for no more than 12 months from the date preliminary approval was granted, unless, upon application from the subdivider, the planning director grants an extension of time beyond this period. If a final plat has not been submitted within this allotted time period, the preliminary plat must be resubmitted to the Planning Commission as if such plat had never been approved.

F. Notification of Action

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

1. If approved with modifications or disapproved, the Planning Director shall attach to the plat a statement of the reasons for such action and shall mark a copy of the plat in red accordingly and return it to the subdivider.
2. If approved, the Planning Director and the Planning Commission chairman shall affix their signatures to the plat on the proper certificate, and the Planning Commission shall submit said plat to the City Council and the City Council shall accept or reject said plat within 30 days after its next regular meeting following the action of the Planning Commission. Preliminary approval shall not qualify a plat for recording.

3. If the preliminary plat is approved by the City Council, the City Clerk shall attach a certified copy of the resolution of approval to a copy of the plat. If the proposed plat is not approved, the resolution shall state the reasons for disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to the requirements of development code.

G. Disapproval of Preliminary Plat

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

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

2.13.8 Final Plat

A. Filing of Final Plat

The subdivider shall file with the Planning Director the original and 32 copies of the final plat and one copy of area calculations, boundary closures, required easement and any other pertinent information within 12 months after the date the preliminary plat was approved. The Planning Director shall transmit the final plat if it is substantially in conformance with the preliminary plat as determined by the Planning Director and Planning Commission chairman to the City Council, together with its report and recommendations thereon within 30 days after receipt of such plat. If such final plat is determined not to be in conformance with said preliminary plat, the final plat will be sent to the Planning Commission for review.

B. Contents of Final Plat

The final plat shall contain the following information:

1. Description

- a. Name of proposed subdivision.
- b. Scale (1" = 100'), north point and date of preparation.
- c. Correct legal description of property involved.

2. Existing Conditions

- a. Acreage to be subdivided.
- b. The location of all present property lines, section lines, and streets that are to remain the same within the area being subdivided.

3. Proposed Conditions

- a. Location, width and names of all proposed streets and walkways.
- b. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, easements and other areas for public or private use. (Linear dimensions are to be given to the nearest 1/100th of a foot.)
- c. Location of all survey monuments and their descriptions. Location by three witnesses of any city or Greater Peoria Sanitary District benchmarks of horizontal or vertical control monuments. Location and ties with bearing distances to the nearest plat corners from any existing quarter or section corner.

- d. Layout and scale dimensions of all lots, including minimum front and rear yard setback lines and lot numbering.
- e. Designation of any lots to be used for duplex development.

4. Additional Information

- a. Line of departure of one street from another.
- b. Names and widths of adjoining streets.
- c. Radii, arcs or chord, points of tangency and central angles for all curvilinear streets and radii for rounded corners. Also, the location of PT and PC from the nearest lot line.
- d. Evidence of closure (one to 5,000 feet), together with the method of computing the area contained within the subdivision boundaries and the error factor.
- e. One reproducible (mylar or linen) copy of the final plat.

5. Certificates

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

2.13.9 Alternative Administrative Subdivision Approval Process

A. Intent

The intent of the administrative approved subdivision is to provide an alternative process to review and approve certain subdivision plats and eliminate the requirement that all subdivision plats be reviewed by the Planning Commission and approved by the City Council under the following circumstances:

- 1. The subdivision is in conformity with the adopted plans (see 1.6) and this development code.
- 2. The subdivision otherwise conforms to all other applicable regulations.
- 3. There are no waivers of Article 8.6, Subdivision Design Standards.
- 4. The character of design is compatible with adjacent development and community policies.

B. Administrative Subdivision Application

Application, documents and fees for administrative subdivision approval shall conform to requirements for subdivision plat review and approval. Additional submittals as required by the administrative subdivision review process shall also be submitted.

C. Administrative Rules

The Planning Director is authorized to issue, amend, and withdraw administrative rules that implement, interpret and clarify the requirements of this development code. Persons shall comply with these administrative rules to the same extent that they are required to comply with the sections of this development code that the administrative rules implement, interpret and clarify.

D. Subsidiary Drainage Plat

The owner shall submit with the preliminary subdivision plat a "subsidiary drainage plat" in accordance with the Plat Act, 765 ILCS 205/0.01 et. seq., as amended from time to time, unless the City certifies that a subsidiary drainage plat is not required.

E. Distribution and Review

- 1. The Planning Director shall distribute copies of the preliminary plat to the appropriate City governmental agencies, District Council member of the district in which the plat falls and others as per departmental procedures for administrative approval of plats.
- 2. Final plats shall be reviewed and approved by the Planning Director for conformance with an approved preliminary plat and construction plans approved by the City Engineer.

F. Approval**1. Time**

The Planning Director shall approve or disapprove the preliminary subdivision plat within 30 working days, or such extended period as may be required for approval by other entities, of the receipt of a complete application for subdivision approval and all required fees. If it is not approved within this time period, unless the applicant requests that action be delayed, the subdivision shall be deemed to have been disapproved. If a subdivision is not approved, the Planning Director shall notify the owner in writing within seven days of denial.

2. Approval

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

3. Certificates

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

G. Length of Time Approval Valid

Administratively approved preliminary plats shall be in effect for one year from the date of such approval. Unless the subdivision final plat has been recorded within 90 days of final written approval of such final plat with the Peoria County Recorder of Deeds, the approval shall be null and void.

H. Minor Subdivision Defined

A minor subdivision is a division of land into five or fewer lots:

1. Which does not require, under these regulations, the design or construction of any public improvements, provided that if all required public improvements are in existence but do not meet current design standards, the City Engineer may approve a waiver of the Article 8.6, Subdivision Design Standards;
2. Which is in conformity with the adopted plans (see 1.6) and this development code; and
3. Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction.

I. Minor Subdivision Application

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

J. Approval of Minor Subdivisions

The Planning Director shall approve or disapprove the minor subdivision plat within 15 working days, or such extended period as may be required for approval by other entities, of the receipt of a complete application for subdivision approval and all required fees. If it is not approved within this time period, unless the applicant requests that action be delayed, the subdivision shall be deemed to have been disapproved. If a subdivision is not approved, the Planning Director shall notify the owner in writing within seven days of denial.

K. Certificates

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

2.13.10 Construction Plans

A. Submittal of Construction Plans

Upon approval of the preliminary plat, the applicant shall have prepared by or under the supervision of an engineer, engineering drawings for the proposed required improvements containing the data and information specified in Article 8.6, Subdivision Design Standards. Such drawings shall be certified by an engineer, and shall be submitted in triplicate to the City Engineer.

B. Content of Construction Plans

Engineering drawings for required improvements shall contain the following minimum information (additional information may be requested by the Director of Public Works):

1. Plans, details, specifications and cost estimates for roadway and sidewalk construction, including plans, profile indicating existing topography and elevation (using city USGS datum) including curb and sidewalk elevation, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. The profiles of grade lines (both property and centerlines) shall be shown to a scale of one inch equals 50 feet horizontal, and one inch equals five feet vertical; or to a scale approved by the City Engineer. This information shall be shown on standard plan and profile sheets unless otherwise requested by the City Engineer.
2. Plans shall include right-of-way line, property lines, centerline of both proposed and existing streets, and survey plat lines.
3. Details, profiles, specifications and cost estimates of proposed storm drainage improvements with calculations.
4. Plans, profiles, details, specifications and cost estimates of proposed water supply facilities.
5. Plans and specifications of proposed subsurface facilities for the sanitary sewage facilities.
6. When unusual site or construction conditions exist, the City Engineer may request such additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.
7. Topography shall be shown by two foot contour increments.
8. One set reproducible (Mylar or linen) copy of approved construction plans.

C. Review of Construction Plans

The City Engineer shall review the plans to determine whether the proposed construction plans comply with Article 8.6, Subdivision Design Standards. Where such drawings are consistent and so comply, the developer will submit to the City Engineer the original drawings and one set of reproducible mylar for signature and the developer shall return the original set of approved plans. In the event that the drawings do not conform or comply, the developer shall have the drawings corrected.

D. Construction of Improvements

1. No improvements shall be constructed nor shall any preliminary work be done on publicly dedicated streets until such time as a preliminary plat and the construction plans have been approved and there shall have been compliance with all of the requirements relating to the appropriate surety requirements.
2. All construction shall be in accordance with the general laws and construction procedures of the City. All contracts for construction of proposed public improvements and of private streets will be prepared or approved by the applicant's engineer. The applicant shall provide an engineer who shall be responsible for inspecting all phases of the construction to insure compliance with the general laws and construction procedures of the City. Barricades, signs, lights, and maintenance will be required of the contractor at the construction site (see City standard specifications for subdivision development in Article 8.6, Subdivision Design Standards). The applicant's engineer shall provide an acceptable certificate stating that the private streets are built to City standards before the City Engineer approves them.

E. Inspection and Security Requirements

1. Surety Requirements

The applicant shall furnish surety to the City when he develops within the boundaries of the City. The surety shall take any of three separate forms:

- a. The applicant may elect to complete all public improvements before the City records the plat and before the sale of any lot.
- b. The applicant may elect to provide an acceptable insurance or bonding company performance bond equivalent to 100% of the total estimated costs of all improvements required by this development code. At the option of the applicant, separate bonds may be furnished for sidewalk construction and other public improvements.
- c. The applicant may elect to provide an escrow agreement established in favor of the City within the City limits with an acceptable bank or trust institution pursuant to an acceptable trust agreement in an amount equivalent to 100% of the estimated cost of construction of all improvements. The applicant shall have the option of having a proportionate amount of the account released upon acceptance of each stage of construction of the improvements. Acceptance and release of funds as herein provided shall in no way affect the contractual obligations between the applicant, contractor, subcontractor, or any other party regarding any responsibility for the quality of work performed.
- d. The surety shall serve to assure the warranties of the applicant that the improvements will be constructed pursuant to the following:
 - 1) The final plat approved by the City Council,
 - 2) The construction plans approved by the City Engineer,
 - 3) The standards set forth in Article 8.6, Subdivision Design Standards, and
 - 4) The design standards promulgated by the City Engineer and such exceptions from the standards as may be approved by the City Manager.
- e. The surety shall remain in full force and effect until written acceptance of the improvements by the City Manager. Such acceptance will not be given until receipt of an acceptable certificate by the applicant's engineer and final inspection by the City. The final inspection shall be conducted after receipt of the certificate of the applicant's engineer. A guarantee bond may be required at the City Engineer's option.

2. On-Site Inspection

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

2.14 FEES

2.14.1 General

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

Application Type	Fee
Fence Permit	\$125.00
Group Occupancy Permit	\$120.00
Home Occupation Permit	\$120.00
Map Amendment (Rezoning)	\$625.00 plus \$100.00 per acre, not to exceed \$7,500.00 ^{2,5}
Non-Conforming Use Change	\$500.00 ¹
Non-Wireless Facility, Residential HAM, CB Antenna	\$625.00
Planned Unit Development or Residential Cluster Development	\$1,000.00
Special Use, Special Use Amendment	\$750.00 minimum plus \$100.00 per acre to a maximum of \$7,500
Subdivision Fee Major with Waiver	\$2,000.00 plus \$50.00 per lot
Subdivision Fee Minor with Waiver	\$2,000.00
Subdivision Fee Major no Waiver	\$1,500.00 plus \$50.00 per lot
Subdivision Fee Major no Waiver	\$1,500.00
Survey Plat Review; Zoning Administrator	\$125.00
Permanent Sign Permit	\$120.00 for the first sign and \$50.00 for each additional sign listed on the application.
Temporary Sign Permit	\$120.00
Text Amendment	\$500.00 ⁴
Variance, Major; Zoning Board of Appeals	The fees shall be as set forth in Section 2.14.1.a, Variance Application Fees Table ⁵
Variance, Minor; Zoning Administrator	The fees shall be as set forth in Section 2.14.1.a, Variance Application Fees Table ⁵
Wireless Communication Facilities; Collocation	\$625.00 ⁶
Wireless Communication Facilities; New	\$1,250.00 ⁶
Zoning Certificate; Site Plan Review Board	\$300.00
Zoning Certificate; Zoning Administrator	\$120.00

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

²Applications to rezone to a more restrictive zoning classification are no charge (\$0). For the purposes of this process, RE is considered the most restrictive and I3 is the least restrictive.

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

⁵Applications shall be accompanied by legal description of the property, the relief requested or facts relating thereto, documentary compliance with any land trust disclosure provisions of City Ordinances, proof of legal ownership and other such information as may be required from the city.

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

⁷No more than two (2) deferrals of a public hearing may be requested by the petitioner of a variance, amendment, special use, or amendment to the text of this Code. Requests from the petitioner for more than two (2) deferrals of such applications will require a resubmittal of the original application fee, except where extenuating circumstances exist, as determined by the Zoning Administrator

A. Variance Application Fees Table:

Variance Application Fees (Non-refundable)	Before Construction	After Construction
Administrative Variations, all, (<20%)	\$500.00	\$1,000.00
Principal Structure, Major	\$500.00	\$1,000.00
Accessory Structure, Major	\$500.00	\$1,000.00
Signs & Multi-Family/Sub. Signs, Major	\$500.00	\$1,000.00
Fence, Major	\$500.00	\$1,000.00
Appeal	\$250.00	\$250.00

(Ordinance No. 16,238, § 1, 01-22-08; Ordinance No. 16,485, § 1, 10-27-09; Ordinance No. 16,617, § 1, 10-26-10; Ordinance No. 16,690, § 1, 4-12-11)

2.16 PENALTIES AND ENFORCEMENT

- 2.16.1** It shall be a violation of this development code for any property owner to permit the use of its property in violation of this development code. In addition, a contractor or anyone who performs work, repairs, or alterations, inconsistent with regulations of this development code shall be in violation of this development code and subject to a fine not less than \$300.00 nor more than \$750.00 as set forth in Chapter 1, Section 1-5 of the Peoria City Code.
- 2.16.2** A person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of the provisions of this development code shall be guilty of a code violation, punishable by a fine of not less than \$300.00 nor more than \$750.00 as set forth in Chapter 1, Section 1-5 of the Peoria City Code. Each day such a violation or failure to comply is continued, or permitted to exist, after notification thereof, shall constitute a separate offense.
- 2.16.3** All documented violations may be enforced by using short or standard form complaints.
- A.** The short form complaint should provide for a reply by the violator, admitting guilt and specifying a fine according to the following schedule:
 - 1. First Offense: \$300.00.
 - 2. Second Offense: \$525.00.
 - 3. Third Offense (or more): \$750.00.
 - B.** At any time during, prior to or after seeking fines, the City may file for injunctive relief. The above fines shall not be construed to limit the authority of any judge in the exercise of their contempt powers.

(Ordinance No. 16,690, § 1, 4-12-11)

2.17 APPLICABILITY OF STANDARDS

The standards of this development code shall be applied as outlined in the tables below.

A. Base Districts

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

B. Form Districts

	BES				ARCHITECTURAL STANDARDS										
	Height	Siting	Elements	Use	Roofs & Parapets	Facades	Doors & Windows	Existing Buildings & Additions	Street and Garden Walls	Exterior Building Materials	Signage	Lighting	Mechanical Equipment	Streetscape Standards	Parking Requirements
Form Districts															
New Construction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use, Expansion of Use				X							X	X	X		X
Expansion of Building Area ¹															
0% -25% expansion of building area	X	X	X	X	X				X	X	X		X		
26% to 50% expansion of building area	X	X	X	X	X	X	X	X	X	X	X		X		X
51% or greater expansion of building area	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Expansion of Parking Area Only ¹ (Not in conjunction with a use/building expansion)															
Up to 10 spaces		X	X						X	X	X	X		X	X
11 or more additional spaces		X	X						X	X	X	X		X	X
Façade Changes ¹ (increase/decrease in windows, doors, and awnings, or material changes)	X		X	X		X	X			X	X		X		
¹ If waivers of form district regulations are requested, such request shall be subject to the Special Use process as outlined in Article 2.9.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,348, § 1, 10-28-08); Ordinance No. 16,521§ 1, 01-12-10;
Ordinance No. 16,784§ 1, 01-10-12)