

## 5.0 Permitted Land Uses

### 5.1 GENERAL PROVISIONS

#### A. Approach to Categorizing Uses

##### 1. Principal Uses

Permitted principal uses by district are set forth in 5.2, Permitted Use Table. Permitted uses are grouped by use categories. Use categories are not zoning districts. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts. The use categories used in 5.2 are defined and listed in Article 5.6, Use Categories.

##### 2. Accessory Uses

Permitted accessory uses are allowed by right in conjunction with a principal use as set forth in 5.4, Accessory Structures and Uses. No accessory use may be established on a site without a principal use.

#### B. Uses Not Specifically Listed

1. Specific uses are listed in Article 5.6, Use Categories. Uses may be further defined in Section 5.6.6, Use Categories. Any principal use not specifically listed is expressly prohibited unless the Zoning Administrator determines that the use is similar to a permitted use already listed in this development code. Where the similar permitted use is subject to a use standard or special use review, the proposed use shall also be subject to such standard or approval. The Zoning Administrator shall not amend this development code by adding to or eliminating any use standard for the proposed use.
2. Where a use not listed is found by the Zoning Administrator not to be similar to any other permitted use, the use shall be permitted only following a text amendment. Treatment of a use not specifically listed shall be determined by the Zoning Administrator by applying the following criteria:
  - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
  - b. The relative amount of site area or floor space and equipment devoted to the activity.
  - c. Relative amounts of sales from each activity.
  - d. The customer type for each activity.
  - e. The relative number of employees in each activity.
  - f. Hours of operation.
  - g. Building and site arrangement.
  - h. Types of vehicles used and their parking requirements.
  - i. The relative number of vehicle trips generated.
  - j. Signs.
  - k. How the use is advertised.
  - l. The likely impact on surrounding properties.
  - m. Whether the activity is likely to be found independent of the other activities on the site.

#### C. Developments with Multiple Principal Uses

1. When the principal uses of a development fall within different use categories, each principal use shall be classified or treated as individually and each use shall be subject to all applicable regulations for that use.

2. A development comprised of separate uses shall be reviewed using the most restrictive process from among the proposed uses.

*Example: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted has a special use in the district, then the entire development requires special use review.*

3. Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

## 5.2 PERMITTED USE TABLE

### 5.2.1 Use Table Key

#### A. Use Permitted by Right (■)

Use permitted in the respective district subject to any use standard, if applicable. Such uses are also subject to all other applicable requirements of this development code.

#### B. Use Permitted through Special Use Review (□)

Indicates a use that may be permitted in the respective district only where approved by City Council in accordance with 2.9. Special uses are subject to all other applicable requirements of this development code, including all applicable use standards, except where such use standards are expressly modified by the City Council as part of the special use approval.

#### C. Use Not Permitted

A blank cell indicates that a use is not permitted in the respective district.

#### D. Use Category

Characteristics of the various uses located in Article 5.6, Use Categories.

#### E. Specific Use

Specific use listed in the various use categories located in Article 5.6, Use Categories.

#### F. Use Standard

A cross-reference to any use standard listed in 5.3, Use Standards. Where no cross-reference is shown, no additional use standard applies.

### 5.2.2 Permitted Use Table

		Blank cell = Not Permitted								■ = Permitted		□ = Subject to Special Use Review					
USE CATEGORY	SPECIFIC USE	KEY:															Use Standard
RESIDENTIAL		R1	R2	R3	R4	R6	R7	R8	CN	CG	B1	N1	P1	I1	I2	I3	
Household Living (see 5.6.2.A)	Single-Family	■	■	■	■	■	■	■									
	Two-Family (Duplex)	■	■	■	■	■	■	■									5.3.1A
	Townhouse					■	■	■	■	■							
	Apartment					■	■	■	■	■							
	Upper Story Residential								■	■	■	■					
	Live-Work								■	■	■	■					5.3.1B
Group Living (see 5.6.2.B)	Boarding House, Rooming House							□	□	□	□	■					
	Children's Home					□	□	□									
	Congregate Housing	□	□	□	□	□	□	□	□	□	□						
	Elderly Housing, Assisted Living Facility	□	□	□	□	□	□	□	□	□	□						
	Fraternity, Sorority, Student Dormitory											□					
	Family Care Facility	□■	□■	□■	□■	□■	□■	□■									5.3.1C
	Group Care Facility	□	□	□	□	□	□■	□■									5.3.1C
	Monastery, Convent	□	□	□	□	□	□	□	□	□	□						
	Nursing Home, Full-time Convalescent, Hospice, Life Care Center					□	□	□	□	□	□						
CIVIC																	
Community Service (see 5.6.3.A)	Museum, Library	□	□	□	□	□	□	□	■	■	■	■					
	Neighborhood Arts Center or Similar Community Facility (public)	□	□	□	□	□	□	□	■	■	■						
	Philanthropic Institution									■	■						
	Police, Fire, EMS Substation	□	□	□	□	□	□	□	■	■	■	■			■	■	■
Day Care (see 5.6.3.B)	All day care, except as listed below:	□	□	□	□	□	□	□	■	■	■	■					
	Child Care Home (up to 8 children)	■	■	■	■	■	■	■									5.3.2A
	Day Care Center (8+ children)	□	□	□	□	□	□	□	■	■	■	■					5.3.2B
	Drop-in Child Care Center								■	■	■						
Educational Facility (see 5.6.3.C)	All educational facilities, except as listed below:	□	□	□	□	□	□	□	□	□	□						
	Academy (special training)								■	■	■	■					
	College, Community College, University											■					
	Job Training, Vocational Rehabilitation Service									■	■	■			■		
	School, Vocational, Business										■	■	■		■		
	School, Trade, no heavy equipment or truck operators										■	■	■		■		
Medical Facility (see 5.6.3.D)	All medical facilities, except as listed below:								□	■	■	■					
	Hospital, Medical Center											■					
	Medical or Dental Laboratory									■	■	■	■		■		
	Medical or Dental Clinic, Rehabilitative Clinic									■	■	■	■				
	Medical, Dental Office or Chiropractor									■	■	■	■				
Parks and Open Area (see 5.6.3.E)	All parks and open areas, except as listed below:	■	■	■	■	■	■	■	■	■	■	■		■	■	■	5.3.2.E.
	Cemetery, Mausoleum, Columbarium, Memorial Park	□	□	□	□	□	□	□	□	□	□						
	Game Preserve, Wildlife Management Area, Refuge, Animal Sanctuary																
	Parks - Active Recreation	□	□	□	□	□	□	□	□	□	□	□		□	□	□	
Passenger Terminal (see 5.6.3.F)	Airport, Heliport																
	Bus, Train Passenger Terminal										□				■	■	
	Taxicab Dispatch Station, Limousine Service, Charter Service										□	□			■	■	
Place of Worship (see 5.6.3.G)	All places of worship	□	□	□	□	□	□	□	■	■	■	■					
Social Service Institution (see 5.6.3.H)	Outpatient Treatment Facility, Recovery Home, Residential Treatment Facility					□	□	□		□	■	■					
	Halfway House					□	□	□	□	□	□						
	Psychiatric Institution, Sanatorium										■	■					
	Single Room Occupancy							□	□	□	□	■					
	Social Service Facility, Soup kitchen, Transient Lodging or Shelter for the Homeless											□					
Utilities (see 5.6.3.I)	All minor utilities	□	□	□	□	□	□	□	■	■	■	■		■	■	■	5.3.2C
	All major utilities													□	□	□	
	Wireless Communication Facility	see 5.3.2D															
COMMERCIAL																	
Indoor Recreation (see 5.6.4.A)	All indoor recreation, except as listed below:								■	■	■						
	Auditorium, arena, stadium (indoor)									□	□						
	Convention Center										■						
	Indoor Shooting Range									□	□					□	
Office (see 5.6.4.B)	All offices								■	■	■			■			
Outdoor Recreation (see 5.6.4.C)	All outdoor recreation, except as listed below:									□	□				□	□	
	Outdoor Shooting Range														□	□	
	Stadium or Arena, Commercial Amphitheater										□						
Overnight Lodging (see 5.6.4.D)	Bed and Breakfast	□	□	□	□	□	□	□	■	■	■						5.3.3B
	Hotel, Motel, Inn, Extended Stay Facility								□	■	■	■	□				
	Youth Hostel									□	■						
Parking, Commercial (see 5.6.4.E)	All commercial parking									□	■	■	■	■	■		
Restaurant (see 5.6.4.F)	All restaurants, except as listed below:								■	■	■						
	Restaurant, Drive-in									■							

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USE CATEGORY	SPECIFIC USE	R1	R2	R3	R4	R6	R7	R8	CN	CG	B1	N1	P1	I1	I2	I3	Use Standard
<b>COMMERCIAL (CONT.)</b>																	
Retail Sales and Service (see 5.6.4.G)	All retail sales and service, except as listed below:								■	■	■						
	Animal Hospital, Veterinary Clinic, Pet Clinic								■	■	■				■		5.3.3A
	Animal Boarding, Animal Shelter, Kennel, Doggy Day Care								■	■	■				■		5.3.3A
	Art or photo studio, gallery				□	□	□	□	■	■	■				■		
	Convenience Cash Businesses								□	■	□						5.3.3H
	Convenience store with gas pumps, Gas station								■	■	■				□		5.3.3C
	Convenience store without gas pumps	□	□	□	□	□	□	□	■	■	■						
	Farmers Market								□	□	□						5.3.3D
	Greenhouse or Nursery, Commercial								■					■			
	Neighborhood Store (existing)	□	□	□	□	□	□	□									5.3.3E
	Post Office				□	□	□	□	■	■	■			□			
	Pawnshop								■	■	■				■		
	School for the Arts	□	□	□	□	□	□	□	■	■	■	■		■			
	Tattoo, Palmist, Psychic or Medium, Massage parlor								□	■							
	Vehicle parts and accessories								■	■					■		
Self-Service Storage (see 5.6.4.H)	Warehouse, self-service, mini-storage									■	■				■	■	5.3.3F
	Warehouse, indoor multi-story									■	■				■	■	5.3.3F
Vehicle Sales and Service (see 5.6.4.I)	All Vehicle Service, except as listed below:								□	■	■				■	■	5.3.3G
	Lube, Oil Change Facility									■	■				■	■	5.3.3G
	Tire motor vehicle sales and service									■	■				■	■	5.3.3G
	Full- or Self-Service Vehicle Wash									■	■				■	■	5.3.3G
	All Vehicle Repair									■	■				■	■	5.3.3G
	All Vehicle Sales, except as listed below:									■	■				■	■	5.3.3G
	Manufactured housing sales														■	■	5.3.3G
Water-Oriented (see 5.6.4.J)	All water-oriented									■	■				■	■	
<b>INDUSTRIAL</b>																	
Wholesale Trade (see 5.6.5.A)	All wholesale trade										□				■	■	■
Light Industrial (see 5.6.5.B)	All light industrial, except as listed below:														■	■	■
	Beverage Manufacturing and/or Bottling Plant														■	■	
	Crematorium															■	■
	Sheet metal shop									□	□				■	■	■
Warehouse & Distribution (see 5.6.5.C)	Woodworking, including cabinet makers and furniture manufacturing									□	□			□	■	■	
	All warehouse and distribution, except as listed below:														■	■	■
Heavy Industrial (see 5.6.5.D)	Cartage and Express Facility													□	■	■	
	All heavy industrial, except as listed below:																■
	Abrasive Manufacture																□
	Bakery - Manufacturing/Processing and Retail														■	■	■
	Canned Preserved Fruits and Vegetables Processing														■	■	■
	Chemical Processing and Manufacturing																□
	Cosmetics Production													□	■	■	■
	Food Packaging and Processing													□	■	■	■
	Foundry and Forge Plant																□
	Graphite Product Manufacturing																□
	Gypsum Manufacturing																□
	Junk Yard & Auto Graveyard																□
	Meat Processing, Packaging - No Slaughtering														□	■	
	Meat Processing, Packaging & Slaughtering																□
	Miscellaneous Food Processing/Manufacturing - No Grain													□	■	■	
	Paint Product Manufacture																□
	Petroleum Products Storage and Processing																□
	Rubber Processing																□
	Scrap Metal Processing & Recycling																□
Waste-Related Services (see 5.6.5.E)	Soap Manufacturing														□	■	
	Steel Manufacturing																□
	Towing and Impound Lot													□	■	■	
	All waste related services, except as listed below:																□
	Recycling Drop-off Facility									□	□						
	Solid or Liquid Waste Transfer Station														□		

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		R1	R2	R3	R4	R6	R7	R8	CN	CG	B1	N1	P1	I1	I2	I3	Use Standard
OPEN																	
Agriculture (see 5.6.6.A)	All agriculture																□
	Commercial Fishing																
	Crop, soil preparation, agricultural services, large animal and veterinary services																
	Farm labor and management services																
	Fish hatcheries and preserves																
	Grain Storage and Processing																
	Hunting, trapping and game propagation																
	Livestock, horse, dairy, poultry and egg products																
	Timber tracts, forest nursery gathering of forest products																
Winery (processing not permitted)																	
Resource Extraction (see 5.6.6.B)	All resource extraction																■
	Dredging, earth extraction, clearing or grading (timber cutting)																
	Metal, sand stone, gravel clay, mining and other related processing																
OTHER																	
Planned Unit Development (PUD) (see 5.6.6.A)	All Planned Unit Developments (PUD)	□	□	□	□	□	□	□	□	□	□			□	□	□	5.3.4.A

(Ordinance No. 16,222, § 1, 12-11-07; Ordinance No. 16,229, § 1, 12-17-07; Ordinance No. 16,365, § 1, 11-25-08; Ordinance No. 16,424, § 1, 04-28-09; Ordinance No. 16,488 § 1, 10-27-09; Ordinance No. 16,513 § 1, 12-22-09; Ordinance No. 16,575 § 1, 06-22-10; Ordinance No. 16,606 § 1, 09-14-10)

### 5.3 USE STANDARDS

#### 5.3.1 Residential Use Standards

##### A. Two Family (Duplex)

A duplex is permitted only when designated at the time of platting.

##### B. Live/Work

1. A residential unit used as both living accommodation, which includes cooking space and sanitary facilities in conformance with applicable building standards; and adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons who reside in the unit.
2. Direct internal access between the living and working space is required.
3. At least one full-time employee shall reside in the unit. The living space shall not be rented separately from the working space. The business activity occupying the live/work unit may utilize employees in addition to residents as necessary.
4. Each live/work unit shall have a primary entrance from the street. In the Warehouse Form District, each live/work unit shall have a primary entrance from the street or common courtyard or atrium.
5. The working space within a live/work unit shall be considered accessory and shall not trigger occupancy separations within that unit.
6. Work space within a live/work unit may be used as an office, studio, gallery, or for artisanal production involving the use of hand tools and small-scale, light mechanical equipment.
7. Within the Warehouse Form District, retail sales of articles produced/manufactured on-site, are allowed [regardless of story.]

##### C. Group Care Facility and Family Care Facility

No group occupancy permitted with administrative approval (see 2.5) shall be approved by the Zoning Administrator unless they find all of the following standards are met:

1. The number of residents complies with requirements of this development code.
2. The parking requirements as set by this development code have been met.
3. The proposed use is not within 600 feet of another existing group occupancy that requires a use with administrative approval, or one which has obtained a use permitted with approval or special use in lieu of a use with administrative approval. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.
4. In order to ensure that the structure and rooms are used as originally designed and intended, the proposed use will not require or include structural alterations as that term is defined in the Building Code adopted by the City.
5. The structure meets the requirements of the City's housing, building and fire codes as set forth in the Code of the City of Peoria or the codes adopted by reference.
6. Users and occupants have received any and all required approvals from other governmental bodies which permits use of the premises in conformance with the approval for which they have applied.
7. For group occupancy there shall be a minimum of 120 square feet of bedroom space for every two residents for residential uses. In determining the number of people in any group occupancy, the Zoning Administrator shall assume that no more than two persons will occupy any bedroom.
8. For group occupancy, the property owner or agent shall inform occupants of the property in writing either in a written lease or by a sign prominently posted at the property that the occupants shall not park in other than the provided off-street parking from midnight to 6:00 a.m.
9. Any group occupancy required by law to obtain a license from the state or its subdivisions for family care facilities and group care has received a license permitting it to operate from the relevant

governmental body and a permit or approval document for the specific address indicating the specific address is approved and identifying the number of residents included in that approval.

10. Group Care Facilities and Family Care Facilities that do not meet the above standards for administrative approval can be approved as special uses through the special use approval procedures (See 2.9).

*(Ordinance No. 16,521, § 1, 01-12-10; Ordinance No. 16,609, § 1, 09-28-10)*

### 5.3.2 Civic Use Standards

#### A. Child Care Home

Child care homes shall be approved through administrative approval (See 2.5.9) by the Zoning Administrator as long as they find all of the following standards are met:

##### 1. Outdoor Play Area

Every child care home shall have outdoor open space for a play area which shall be completely enclosed by a fence or other suitable barrier sufficient to prevent access to children to neighboring properties traffic or other hazards. A fence or barrier previously erected by a neighboring property owner shall not be relied upon to satisfy this requirement unless a written agreement of such owner authorizing such use is filed with the Zoning Administrator. Off site open space for a play area may be substituted for on site open space provided that the substitution conforms to all applicable state and local statutes, ordinances and regulations.

##### 2. Recreational Devices

No recreational device shall be located within the required side yard of a lot abutting residential property.

#### B. Day Care Center

A day care center shall not be housed in an accessory structure.

#### C. Minor Utilities

1. The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, of overhead, surface or underground gas, electric, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such for the public health, safety, or general welfare, shall be exempt from the regulations of this development, except for the following:
  - a. The installation shall conform to Federal Communications and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.
  - b. Landscaping, screening and yard requirements for the buildings and structures shall be determined by the Site Plan Review Board and location within a Transitional Buffer Yard must be approved by the Zoning Administrator pursuant to the alternative compliance process.
2. The installation shall not be exempt from the regulations of the Historic Preservation Board when such installation is constructed within the area of jurisdiction of the Historic Preservation Board.

#### D. Wireless Telecommunication Facility

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

**E. Parks and Open Spaces**

1. Passive recreational parks shall be approved through the administrative approval process (See 2.5) by the Zoning Administrator as long as all of the following standards are met:
  - a. The park does not include any activities which may have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor.
  - b. Any proposed structures are in compliance with the zoning district bulk regulations.
  - c. The park does not include any off-street accessory parking lots.
  - d. The park is less than 10 acres in size.
  - e. Parks that do not meet the above standards for administrative approval shall be approved through the Special Use approval procedures (see 2.9).
2. Active recreational parks are permitted when designated at the time of platting and subject to plan review for elements including, but not limited to, location of structures or activities, lighting, fencing, and parking, and approval of the City Planning Commission and City Council. All other active recreational parks are subject to the Special Use approval procedures.

**5.3.3 Commercial Use Standards****A. Animal Care, Boarding, Shelter, Doggy Day Care**

In the CN, CG and B1 districts, no outdoor runs shall be permitted. All overnight care of animals shall occur indoors. All pens, kennels and runs shall be located within an enclosed building.

**B. Bed and Breakfast**

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

1. A minimum of 500 feet shall exist between each bed and breakfast establishment.
2. Signage shall not exceed twelve inches by twelve inches.
3. If the proposed site is located within a recognized local, state, or national historic district or if the residence has been designated a landmark structure, then the owner shall maintain the structure as required or bring the structure up to historic compliance.
4. Parking shall be in accordance with 8.1.6. The parking shall be on existing paved surfaces or inside garages, as provided prior to the application for the special use. In addition, the required parking does not have to be independently maneuverable. Parking anywhere other than the provided off-street parking from midnight to 6:00 a.m. is prohibited.
5. The bed and breakfast establishment must obtain all necessary permits as required by the health department, historic preservation commission, City of Peoria, and State of Illinois.
6. In addition to 2.9.13, the special use for a bed and breakfast establishment can be revoked if in violation of the above requirements.

**C. Convenience Store with Gas Pumps, Gas Station****1. General Provisions**

- a. The primary building, including the full canopy, shall conform to all building envelope standards.
- b. Gasoline pumps, tanks, vents and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
- c. No sign of any type or any gasoline pump or tank shall be located within 20 feet of residential district.
- d. Where the facility is adjacent to any residential district, there shall be a 100 percent opaque eight-foot high visual barrier or screen on the property line abutting the residential zoning lot, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
- e. Freestanding vents shall not be permitted.



**2. Fuel Canopies**

- a. The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
- b. The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.
- c. The canopy shall be constructed of building materials consistent with that of the principal building, including the roof.
- d. The canopy shall be integrated structurally and architecturally into the design of the principal building and shall be complementary to the overall color scheme of the building façade from which it projects.
- e. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

**3. Single-Bay Automatic Car Wash**

An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

- a. The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way. The car wash structure shall be located no closer than 50 feet to any side or rear property line adjacent to residential zoning lot.
- b. The car wash structure shall meet all applicable building envelope standards and shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
- c. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- d. The doors of the car wash building shall be architecturally compatible with the car wash building and shall be fully closed when the facility is not in operation.
- e. The car wash structure shall be located behind the rear building line of the principal building.
- f. The car wash structure shall be sited so as to discourage direct street view of the facility. Direct street access is permissible only when appropriate landscaped areas such as, but not limited to, planter islands or other landscaped features are used to screen from street view.
- g. The car wash facility shall not operate before 6 AM or after 10 PM.

**D. Farmers Market**

1. The sales area shall be located in an area that will not disrupt the flow of traffic onto and off the site or obstruct any handicap access or parking. Parking facilities will be evaluated to ensure that adequate parking is available during the approved operating hours of the event.
2. The market may not be permitted on vacant or unimproved land.
3. The market shall conform to all applicable rules and regulations governing farmers markets.
4. The market shall be limited to the sale of products which are the result of the practice of the agricultural arts by a producer upon land the producer controls, by the producer, the producer's employees or the producer's immediate family. In addition, a producer may sell products produced by not more than two other producers.
5. The market shall be limited in days and hours of operation so as to not interfere with the surrounding land uses.
6. No variances from these standards are permitted.

## **E. Neighborhood Store**

### **1. Purpose**

There exists in the Heart of Peoria today, primarily south of Forrest Hill Avenue, a number of buildings that were built from 1900 to 1950. They were designed and intended for walking-scale, neighborhood-oriented retail use and services. Many of these buildings are currently zoned residential. Efforts to find appropriate uses in harmony with the surrounding residential neighborhoods and meeting codes such as: parking, setbacks, transitional buffer yards, landscaping, and building codes, have proven to be difficult. Over the years many of these buildings have been neglected, abandoned and/or have fallen into disrepair and therefore have a detrimental impact on neighborhoods. In an effort to permit the revitalization of these structures, the following information provides for the types of uses permitted and the manner in which such uses may be reintegrated into the existing residential neighborhoods.

### **2. Definition Statement**

For the purpose of this section, neighborhood commercial/office uses shall mean retail, office, and service uses to be contained in buildings or structures originally designed and built for both commercial and residential use that are located in residentially zoned districts.

### **3. Permitted Uses**

The following neighborhood commercial/office uses may be administratively permitted in residentially zoned districts (see 2.5). The Zoning Administrator shall determine what uses will be permitted that are not specifically listed below but are similar in nature.

- a. Any generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, flowers, pharmaceuticals, notions, hardware and similar commodities that require a retail character no more objectionable than the aforementioned uses.
- b. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: computer services, shoe repair, tailor shops, beauty parlors, barber shops, dressmaker, pharmacist, home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned uses.
- c. Art galleries, artist studios, photographer's studios and professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
- d. Restaurants, or other places serving food, except drive-in or drive-through restaurants. Only Class B (minimum 50% food) and Class G (beer and wine only) liquor licenses shall be permitted.

### **4. Prohibited Uses**

Activities specifically prohibited; include adult uses, drive-through facilities, repair or service of motor vehicles and other large equipment, bars/taverns, no retail liquor sale, manufacturing processes which would normally require industrial zoning, commercial uses with outdoor storage, any activity which may become a nuisance due to noise, unsightliness, or odor; and any activity which may adversely affect surrounding property.

### **5. Conditions**

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

- b. Parking for the above stated uses shall be one parking space per dwelling unit for residential and three parking spaces per 1,000 square feet of net floor area for all other uses. On-street parking along the street frontage of the mixed-use structure may be counted toward the minimum required parking for nonresidential purposes. An alternative parking plan (see 8.1.10) may be submitted with the approval of the Zoning Administrator.
- c. Such use shall be permitted only after it has been reviewed by the Zoning Administrator as an appropriate use for the surrounding residential neighborhood.
- d. Such use must be in a building that was originally designed and built for commercial/residential use or commercial use and was built prior to the adoption of this ordinance.
- e. Each site shall be evaluated as to its potential impact to the surrounding residential neighborhood. Factors which will be used in the evaluation and must be approved by the Zoning Administrator include, but are not limited to, the following: hours of operation, off-street parking, noise, lighting, traffic (both vehicular and pedestrian), deliveries and screening.
- f. All business, servicing, or processing shall be conducted within a completely enclosed building.
- g. The subject building must be in compliance with all applicable building codes. Also, façade improvements may be required by the Zoning Administrator.
- h. All signage must be appropriate to the scale and character of the site and building. Signage types permitted shall include awning, canopy, and wall signs per 8.3, and blade signs (small pedestrian-oriented sign not greater than eight square feet in area that projects perpendicular from a structure).
- i. Hours of operation for permitted neighborhood commercial uses shall not be earlier than 7:00 a.m. and not later than 10:00 p.m.

#### **6. Special Uses**

Applications that do not meet the established standards set forth in paragraph 3 above may be submitted by the applicant for approval pursuant to the Special Use process as stated in 2.9. (Such uses as stated would be categorized as Special Uses and would be permitted only after it has been reviewed by a reviewing body having jurisdiction and approved by the City Council as an appropriate use for the surrounding residential neighborhood as a Special Use).

### **F. Self-Service Storage**

#### **1. General**

- a. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.
- b. The following activities shall be prohibited on the premises:
  - 1) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage mini-warehouse complex may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of Illinois regulations.
  - 2) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - 3) Operation of a transfer-and-storage business.
  - 4) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.
  - 5) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
  - 6) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
  - 7) Habitation of storage units by humans or animals.

**2. Warehouse, Self-service, Mini-storage**

- a. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with 8.4, Outdoor Storage and Display.
- b. A Transitional Buffer Yard in accordance with 8.2.9 of not less than 25 feet in width shall be established along any side of the property where the facility abuts or is across the street from residential district.
- c. A 100 percent opaque eight-foot high visual barrier or screen shall be provided around the perimeter of the property.
- d. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

**3. Warehouse, Self-Service, Indoor Multi-story**

- a. All warehouse storage on the property shall be in a minimum two-story, single-enclosed building. All storage units shall be accessed internally. External doors to individual units shall not be permitted. One consolidated loading area is permitted to the rear or side of the building.
- b. The storage of boats, RV's or other similar vehicles may be permitted in accordance with 8.4, Outdoor Storage and Display.

**G. Vehicle Repair and Service****1. General Provisions**

- a. Where the facility is adjacent to any residential use, there shall be a 100 percent opaque eight-foot high visual barrier or screen on the property line abutting the property, provided such barrier or screen shall not restrict clear sight at any intersection, alley or driveway.
- b. There shall be no dismantling of vehicles for salvage.
- c. The storage of impounded vehicles shall not be permitted.

**2. CN, CG, and B-1 Districts**

- a. All repair and service of motor vehicles shall be conducted within a fully-enclosed building.
- b. A maximum of three service bay doors shall be permitted. The service bay doors shall be oriented towards the side or rear of the building and shall in no case face a designated primary street. The service bay doors shall be fully screened from view from the public right-of-way and adjacent property.
- c. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with 8.4, Outdoor Storage and Display.

**H. Convenience Cash Businesses****1. Purpose**

There are certain businesses commonly referred to as Convenience Cash Businesses. For the purpose of the ordinance, Convenience Cash Businesses include Payday Loan Businesses and Title Loan Businesses. Convenience Cash Businesses in general are perceived to be detrimental to the neighborhoods in which they are located. The clustering of such businesses results in negative effects including the perception of decline in the area, reduction of property values, and the creation of disincentive for other businesses to locate. The provisions of section 5.3.3.H. of this code are intended to ensure that Convenience Cash Businesses are properly located within the City and minimize the detrimental effects that certain Convenience Cash practices have on neighborhood character and housing values, by regulating the density of payday lending businesses within the City and limiting these businesses to the CG (General Commercial) District and the B1 (Downtown Commercial) District, with a special use permit required for each district when distance requirements cannot be met.

## 2. Distance Requirements

No Convenience Cash Business shall be located within 1500 feet of any other Convenience Cash Business or within 1500 feet of any residentially zoned district. Distance requirements defined in this section shall be measured in a radius, without regard to intervening structures or objects, from the property line of the proposed Convenience Cash Business to the property line of the existing Convenience Cash business and from the property line of any residentially zoned district to the property line of any proposed Convenience Cash Business.

## 3. Permitted Uses

Convenience Cash Businesses shall only be permitted in districts zoned as CG, General Commercial District and B1, Central Business District.

## 4. Special Uses

Applications that do not meet the established standards set forth in 5.3.3.H(2) above may be submitted by the applicant for approval pursuant to the Special Use process as stated in 2.9. (Such uses as stated would be categorized as Special Uses and would be permitted only after it has been reviewed by a reviewing body having jurisdiction and proved by the City Council as an appropriate use).

## 5. Convenience Cash Business Uses Established Prior to October 28, 2008

Convenience Cash Business uses established prior to October 28, 2008, which presently are required by this ordinance to meet 1500 foot distance requirements as per section 5.3.3.H.(2) may continue such use with proof that the use existed prior to said date. If the use ceases for a period greater than twelve consecutive months, requirements per section 5.3.3.H. of this ordinance must be met. The nonconforming use provisions as set forth in Article 10, and following, shall not apply to said uses.

### 5.3.4 Planned Unit Developments (PUDs)

#### A. The Purpose of the Planned Unit Development

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

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

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

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

1. Designs in residential areas which reflect the historic open character of single family areas of the City;
2. Designs which provide substantial buffers and transitions between areas of different land use and development densities;
3. Designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces;
4. Designs which counteract possible urban monotony and congestion in streets;
5. Designs which promote compatible architecture between adjacent buildings;

6. Designs which will buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development.

**B. Intent**

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

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

1. A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other Sections of this ordinance;
2. Development and/or permanent reservation of open space, recreational areas and facilities;
3. A land use plan which permits preservation of green space, natural vegetation, topographic and geological features and historic resources;
4. A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities;
5. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities;
6. Innovations in development so that the growing needs and demands of the population may be met by a greater variety in type, design, and layout of buildings, and by conservation and more efficient use of open space ancillary to said buildings, all in a manner so as to be consistent with the character of the zoning district in which the Planned Unit Development is located;
7. A land use which promotes the public health, safety, comfort, morals and welfare.

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

**C. Authority**

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

**D. Special Requirements for Planned Unit Development**

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

**E. Procedure**

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

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

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

#### **F. Preapplication Conference**

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

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

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

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

#### **G. Preliminary Plan**

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

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

1. Submission of the following:
  - a. Items (a) through (e) required for the preapplication conference.
  - b. Written application for approval of a Planned Unit Development shall be made on forms and in the manner prescribed by the City.
  - c. A statement of conformity with City's Subdivision and Zoning Regulations along with a list of any requested variations from this ordinance.
  - d. Copies of the Preliminary Planned Unit Development Plan and supporting data shall be submitted to the City for certification as to conformity with these PUD regulations, recommendations, and suggestions regarding the overall design.
2. Copies of the Preliminary Planned Unit Development Plan and supporting data may be made available to any other taxing district, which might be affected by the development. The Zoning

Administrator or his/her designee may notify any other taxing district or entity of a filing of an application for a PUD which he/she deems may be affected by the development.

3. The Site Plan Review Board shall review the preliminary plan and submit written findings and recommendations to the Zoning Commission.
4. The Zoning Commission shall review and consider and hold a public hearing on each application for approval of a Planned Unit Development.
5. Following the public hearing, review of the preliminary plan, Site Plan Review Board findings and recommendations and other supporting data, the Zoning Commission shall make its findings and recommendations and send a written report to the City Council which shall include findings of fact, pursuant to Section 5.3.4.(11)(c)6, upon which its findings and recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval, or approval with modifications. This report to the City Council must be submitted within 60 days after the last session of the public hearing of the Zoning Commission or the Commission must indicate to the City Council why such report cannot be rendered within that time period.
6. The City Council shall act upon the recommendation within 120 days after receipt of the Zoning Commission's report. The City Council may approve with modifications, refer back to the Zoning Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for City Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.
7. Approval of the Preliminary Plan for a Planned Unit Development shall not constitute approval of the Final Planned Unit Development Plan. Rather it shall be deemed an expression of approval of the concepts and details of the Preliminary Plan of the Planned Unit Development, which are set forth in the Application for Approval of the Planned Unit Development, and as a specific guide to the preparation of final documents which are required as part of the Application for Approval of the Final Planned Unit Development Plan. Further, it indicates approval of the details set forth in the application and a commitment by the applicant to such details.

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

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

#### **H. Final Plan**

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

The Final Planned Unit Development Plan shall conform substantially to the Preliminary Plan as approved, and if desired by the applicant, it may be submitted in stages, with each stage representing a unit of the approved Preliminary Plan which is recorded and to be developed; provided, however, that



such unit conforms to all requirements of these regulations. The required procedure for approval of a Final Plan shall be:

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

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

#### **I. Changes in the Planned Unit Development**

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

##### **1. Major Changes**

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

##### **2. Minor Changes**

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

#### **J. Recording the Final Plan**

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

#### **K. Specific Content of Plans**

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

1. Pre-application Stage
  - a. General Site Information:

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

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

A property survey and legal description of the site proposed for development.
2. Preliminary Plan Stage
  - a. Detailed Plan

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

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

names and addresses of owners, and notation stating acreage. Owners shall include beneficial owners of any land trust.

- 13) Names--The names and addresses to whom notices of hearings hereunder shall be sent, including the subdivider or developer, the designer of the subdivision or development, and the owners of the land immediately adjoining the land to be platted.
- 14) Open space--All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated.
- 15) General location, purpose, and height of each building, other than detached single-family residences or individually platted lots.
- 16) Map data--Name of development, north point, scale and date of preparation.
- 17) Miscellaneous--Such additional documents as may be required by the Zoning Administrator. The Zoning Administrator shall inform the applicant of such requirements after the pre-application stage and again after the initial presentation of the Preliminary Plan to the Zoning Commission.
- 18) Legal description.

b. Variations

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

c. Character

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

d. Ownership

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

e. Schedule

Development schedule indicating:

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

f. Covenants

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

g. Nonresidential Intensity

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

h. Service Facilities

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

i. Architectural Plans

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

j. Facilities Plan

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

- 1) Roads, including classification, width of right-of-way, width of pavement, and construction details
- 2) Sidewalks
- 3) Sanitary sewers
- 4) Storm drainage
- 5) Water supply system
- 6) Street lighting
- 7) Public utilities

**k. Landscape Plan**

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

**l. Community-Benefit Analysis:**

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

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

**m. Traffic Analysis**

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

**n. Environmental Analysis**

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

**o. Neighborhood Association Meeting**

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

**3. Final Plan Stage**

**a. Final Detailed Plan**

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

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

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

at the time said improvements and facilities are scheduled to be installed according to the Planned Unit Development's staging program.

d. Use Exceptions

The Zoning Commission may recommend and the City Council may authorize that there be allowed in part of the area of a proposed Planned Unit Development, specified uses not permitted by the use regulations of the districts in which said development is located, provided that the Zoning Commission shall find:

- 1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose and character of the Planned Unit Development.
- 2) That the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the neighborhoods surrounding the Planned Unit Development, or upon the internal character of any part of, or all of the Planned Unit Development, itself.
- 3) Bulk Regulations: In the case of any Planned Unit Development, the Zoning Commission may recommend and the City Council may authorize exceptions to the applicable bulk regulations of this ordinance within the boundaries of such Planned Unit Development, provided that the Zoning Commission shall find:
- 4) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots;
- 5) That along the entire periphery of such Planned Unit Development a 25 foot wide minimum yard shall be provided. This dimension may be increased for any yard upon review of the Planned Unit Development.

e. Designation of Permanent Common Open Space

- 1) Definition: Permanent open space shall be defined as parks, playgrounds, landscaped green space not including schools, community centers or other similar areas in public ownership or areas covered by an open space easement.
- 2) Designation: No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped open space equivalent to the following by type of Planned Unit Development:
  - a. Planned Residential Development: 35 percent.
  - b. Planned Commercial Development: 10 percent.
  - c. Planned Office Development: 25 percent.
  - d. Planned Industrial Development: 15 percent.

f. Finding of Facts

In reporting its findings and recommendations on a Planned Unit Development Preliminary Plan to the City Council, the Zoning Commission will submit findings of facts upon which it has based its recommended action. These findings of fact will relate to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:

- 1) In what respects the proposed plan is or is not consistent with the stated purpose of the Planned Unit Development Regulations.
- 2) The extent to which the proposed plan meets the requirements and standards of the Planned Unit Development Regulations.
- 3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk, and improvements, construction and design standards and the reasons why such departures are or [are] not deemed to be in the public interest.

- 4) The extent of public benefit produced, or not produced, by the Planned Unit Development in terms of meeting the planning objectives and standards of the City. Any specific beneficial actions, plans or programs agreed to in the Planned Unit Development proposal which are clearly beyond the minimum requirements of this ordinance shall be specifically listed as evidence of justified bulk premiums and/or use exception.
- 5) The physical design of the proposed plan and the manner in which said design does, or does not, make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
- 6) The reasons why the approval of proposed construction, or land uses require a planned unit development and could not be sought under other provisions of this ordinance.
- 7) The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and neighborhood.
- 8) The desirability of the proposed plan to the City's physical development, tax base and economic well-being.

*(Ordinance No. 16,365, § 1, 11-25-08; Ordinance No. 16,424, § 1, 04-28-09; Ordinance No. 16,521 § 1, 01-12-10; Ordinance No. 16,575, § 1, 06-22-10)*

## 5.4 ACCESSORY STRUCTURES AND USES

### 5.4.1 Applicability

- A. Accessory structures and uses are allowed by right in conjunction with a permitted principal use as set forth in Article 5.6, Use Categories. No accessory use or structure may be established on a site without a principal use. Specific regulations governing accessory structures and uses are set forth below.
- B. Unless otherwise stated, accessory structures and uses shall meet all requirements and conditions applicable to the principal use.
- C. Uses which are accessory to special uses may be permitted when approved as part of the special use, or when the Zoning Administrator finds they are not an expansion of an approved special use.
- D. Except for off-street parking and loading, accessory uses associated with nonresidential principal uses shall be limited to ten percent or less of the floor area of the principal use.

### 5.4.2 Residential Accessory Structures and Storage Buildings

- A. Accessory structures and accessory storage buildings shall be permitted incidental to the principal use, and shall not be used as dwelling units or involve the conduct of a business.
- B. Permitted accessory structures include, but are not limited to, swimming pools, tennis and basketball courts, other outdoor residential recreational facilities, and other open type structures like gazebos.
- C. Permitted accessory storage buildings include open or closed type buildings, including private garages and sheds, and are designed and used for storage or parking of vehicles and storage of materials incidental to the use of the principal structure, or are designed and used for allowable uses incidental to the principal structure.
- D. Accessory Storage Buildings are permitted according to the following table.

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

- E. Accessory structures or accessory storage buildings shall comply with the stated yard requirements for accessory structures in each residential district (see 4.1.4) and rows 3, 4, and 5 of the previous table in Section 5.4.2.D.

### 5.4.3 Outdoor Storage

Except as otherwise expressly permitted by this development code, outdoor storage shall not be allowed as an accessory use (see 8.4, Outdoor Storage and Display).



**5.4.4 Residential Recreational Facilities**

Residential recreation facilities including but not limited to swimming pools and tennis courts are permitted, which are limited to use by the occupants of the principal residential use and their guests and which are illuminated in a manner that will not cast direct light on adjacent residential zoning lots.

**5.4.5 Accessory Parking Lots in Single Family Residential Districts**

Parking lots shall not be permitted as an accessory use in any single-family residential district.

**5.4.6 Portable Storage Devices**

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

**5.4.7 Demountable Temporary Structures**

Demountable temporary structures may be permitted with a special use for the purpose of providing space auxiliary to the use for which the site has been zoned for all zoning districts except form districts.

**5.4.8 Fences****A. Purpose Statement**

This section is intended to prohibit all front yard fences with limited exceptions, promote land uses and designs which preserve existing aesthetic benefits in the City, create an attractive appearance for the City; and, instill aesthetics as a value and standard throughout the City. In limited cases, a reasonable flexibility of development design may be appropriate and determined by the Zoning Board of Appeals or Historic Preservation Commission, as applicable

**B. General Provisions**

1. A fence may be located on a lot line, but no such fence shall protrude in full or part on adjacent property or right-of-way.
2. Fence height shall be measured from an established grade to the top most section of the fence. Where the grade forms a contour, the fence shall be required to maintain the same contour.
3. All portions of any fence must be constructed of the same or harmonious material. All vertical and/or horizontal supports and cross members must face the interior of the lot.
4. Fences shall be maintained by the property owner according to all other codes of the City.
5. Fences on corner lots must observe the sight triangle requirement as set forth 8.2, Landscaping and Screening.
6. Except in the I-2 or I-3 Industrial Zoning Districts, chain link and wire fences shall not be located in front or corner side yards.
7. In order to provide for the maintenance and gradual elimination of nonconforming front yard fences that adversely affect the character and value of permitted development, front yard fences existing on private property as of the date of passage of this Ordinance that meet the following standards may continue to be maintained, but not replaced: maximum four feet in height, minimum forty percent open, constructed of harmonious materials, support members face to the interior of the lot, and the sight triangle is observed.

**C. Fences Requirements****1. Residential and Non-Residential – Office, Commercial, Institutional and I-1 Districts**

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

**a. Front Yards**

Front yard fences shall not be allowed unless one of the following conditions occurs.

- 1) A Variance is granted by the Zoning Board of Appeals.
- 2) A Certificate of Appropriateness is approved by the Historic Preservation Commission.

**b. Corner Side Yards**

Fences located in all corner side yards shall be setback a minimum of ten (10) feet from the property line abutting a street, shall not exceed six (6) feet in height in residential districts, shall not exceed eight (8) feet in non-residential districts, and may be solid. However, fences in corner side yards along thoroughfares shall be allowed a minimum five (5) foot setback, and shall require a fence permit if placed closer than ten (10) feet from the property line.

**c. Side Yards**

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

**d. Rear Yards**

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

**e.**

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

**f. Through Lots**

Fences on through lots shall comply with the foregoing regulations; however, if all principal structures in the same block, face the same street or direction, and there is no vehicular access to the street in which the principal structure does not face, a fence may be constructed as per the rear yard regulation for interior lots.

**2. I-2 or I-3 Industrial Districts**

Except as otherwise expressly permitted or required by this development code, a fence may be erected or constructed in all yards in an I2 or I3 Industrial zoned district subject to a maximum height of eight (8) feet, no openness requirement, and in compliance with all City ordinances.

**5.4.9 Home Occupations****A. Purpose Statement**

The purpose of this section is to allow home occupations that are compatible with the residential districts in which they are located.

**B. Permit Required**

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

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

**C. General Requirements and Standards**

All home occupations shall comply with each and every one of the following standards and requirements:

1. The entrepreneur of every home occupation shall reside in the dwelling unit in which the business operates.
2. All home occupation use activity conducted at the site of the home occupation shall be conducted entirely within a completely enclosed dwelling unit or garage (detached or attached).
3. Use of garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any home occupation may be permitted subject to the following:
  - a. No space within the garage that could be used to meet the required off-street parking requirements for the principle use shall be used for the home occupation. No existing garage may be converted to an accessory structure unless another garage is erected to replace the off-street garage parking spaces.
  - b. Auto and engine related occupations shall not be permitted.
  - c. Construction businesses or landscaping businesses that provide the on-site storage of goods and materials to be used in operation of the business shall not be permitted.
4. The home occupation shall not interfere with the delivery of utilities or other services to the area.
5. The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit and/or garage in a zoning district used solely for residential purposes.
6. No toxic, explosive, flammable, radioactive, or other hazardous materials as defined by the Fire Code and Building Code of the City of Peoria shall be used, sold, or stored on the site.
7. There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or placement of a sign.
8. No more than one vehicle shall be used in connection with home occupation use. The home occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding a payload capacity of one ton. Further, the home occupation vehicle shall not, pursuant to the Illinois Vehicle Code, require more than a Class B license or be a vehicle included in the definition of a Second Division Vehicle by Illinois Vehicle Code (those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the First Division used and registered as school buses).
9. Home occupation vehicles are required to comply with all applicable residential parking requirements including, but not limited to, 8.1.7, which prohibits permanent parking in required front yards and which requires hard-surfaced parking spaces.
10. No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
11. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.
12. There shall be no advertising, signs, display, or other indications of a home occupation in the yard, on the exterior, or visible from, the dwelling unit and/or garage.
13. Direct sales and/or rentals of products off display shelves or racks is not permitted, although a person may pick up an order previously made by telephone or at a sales meeting.
14. The total area used for the home occupation, per property, shall take up no more than 250 square feet of the dwelling unit or garage.
15. No person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.

16. Deliveries from commercial suppliers shall not be made by any vehicle that exceeds a gross weight in pounds for vehicle and maximum load of 20,000 pounds. Deliveries shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.
17. Visitors in conjunction with the home occupation (clients, pupils, sales persons, etc.) will be limited to no more than eight during a 24-hour period. No more than four visitors may visit at one time.
18. No more than one home occupation shall be permitted, per property, within any individual dwelling unit and/or garage.

#### **D. Procedure for Application and Issuance**

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

#### **E. Existing Home Occupations**

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

#### **F. Revocation**

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

1. The owner or interested person applying for the use has knowingly furnished false or misleading information or withheld relevant information on any application for any use or knowingly suffered or caused another to furnish or withhold such information on his or her behalf;
2. The owner, their agent, employee, officer, tenant, licensee or occupant has violated any of the provisions of this development code or the standards required to obtain the permit, or that the property no longer complies with the standards necessary to obtain a permit; provided, however, that the Zoning Administrator shall give at least seven days prior written notice to the owner of the alleged violation or manner in which the property no longer complies with the standards with the opportunity to correct the problem during said time.

#### **G. Appeals**

Appeals from any decision of the Zoning Administrator concerning the granting or revocation of a use with administrative approval shall be to the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the foregoing standards and requirements in reviewing a decision of the Zoning Administrator.

Filing of an appeal from the decision of the Zoning Administrator to revoke a permit will stay their decision pending the decision of the Zoning Board of Appeals.

#### 5.4.10 Small Wind Energy Conversion Systems

##### A. Purpose and Goals

Small Wind Energy Conversion Systems (SWECS) have been found to be a viable and useful method to produce energy from a renewable source, i.e., wind. The purpose of this Ordinance is to establish requirements for the siting of SWECS. This Ordinance takes into account the necessary siting requirements needed for optimal and efficient operation of SWECS, while also imposing regulations to protect the safety of Peoria citizens and maintaining property values by regulating aesthetics and other nuisances associated with SWECS. The goals of this Ordinance are to:

1. Encourage the placement of SWECS in both residential and non-residential areas;
2. Allow residents to produce their own energy from renewable sources, while encouraging the location of SWECS so that they are utilized in a manner to protect the safety and well-being of Peoria citizens;
3. Encourage the use of SWECS to help reduce the impact of non-renewable energy sources on the local environment.

##### B. Administrative Review Process

###### 1. Application

A Small Wind Energy Wind Conversion System Application shall be submitted with a scaled site plan showing all property lines, overhead utilities, and other structures on subject property. The site plan shall also include the location of the SWECS and the distances from the SWECS to all property lines, overhead utilities and other structures on the property. A scaled drawing of the SWECS structure must also be submitted showing the height and the distance between the rotor blades at their lowest point and the base of the structure. Finally, a map showing all surrounding SWECS within five-hundred (500) feet must be submitted.

###### 2. Standards

When determining if a SWECS application shall be approved, the Zoning Administrator shall consider the following standards:

###### a. Spacing and Setback:

###### 1) Spacing

A SWECS shall not be placed any closer than three (3) times the diameter of the rotor from a surrounding SWECS measured from the base of the SWECS.

###### 2) Setback

The minimum distance between SWECS and all property lines, overhead utility or transmission lines, electrical substations, and public right-of-ways shall be equal to no less than 1.1 times the sum of the proposed tower height plus the rotor radius. The setback distance is measured from the base of the SWECS or, if guy wires are used, from the furthest guy wire from the base of the SWECS. This requirement is not intended for roof-mounted SWECS.

###### b. Height:

###### 1) Structure Height

The height of a SWECS (tower height plus the rotor radius) shall not exceed 100 feet measured from an established grade.

###### 2) Rotor-to-Ground Height

The minimum distance between the ground, measured from an established grade, and any part of the rotor blade system shall be twenty-five (25) feet. This requirement shall not

include roof-mounted SWECS. Vertical axis SWECS shall be measured from the lowest point of the rotor to the ground unless located on a roof.

**c. Anti-Climbing Devices:**

A SWECS shall not have any climbing devices below a height of twelve (12) feet from the base of the structure. For those SWECS that have climbing apparatus, a fence six (6) feet in height with a lockable gate must completely surround the SWECS.

**d. Signs:**

No signs other than a "High Voltage" sign measuring no more than two (2) square feet may be posted on a SWECS.

**e. Noise:**

All SWECS shall meet the minimum noise standards. When measured from any property line, the decibel (dBA) reading shall not exceed 60 dBA. In the event of strong winds or a storm, a SWECS shall not produce noise greater than 10 dBA over the ambient noise level.

**f. Aesthetics:**

**1) Color**

SWECS shall be constructed of a material or painted with a color that is non-reflective and unobtrusive and either white or light grey in color. Other unobtrusive colors may be considered and approved by the Zoning Administrator.

**g. Roof-Mounted SWECS:**

**1) Height**

The height of a roof-mounted SWECS shall not exceed twenty (20) feet above the highest point of a roof. In no instance shall a roof-mounted SWECS exceed the maximum height requirement for the zoning district it is located in. SWECS located on a structure are considered part of that structure.

**2) Screening**

There shall be no screening requirements for roof-mounted SWECS.

**h. Utility Notification:**

SWECS shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**i. Compliance with Applicable Building Codes:**

Building permit applications for a SWECS shall be accompanied by standard drawings of the SWECS structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with all adopted building codes for the City of Peoria and certified by a licensed professional engineer shall also be submitted.

**j. Power Lines:**

All power lines or electrical lines associated with a SWECS must be located completely within the SWECS or buried underground.

**k. Controls and Brakes:**

A SWECS shall be equipped with manual and automatic controls or mechanical brakes to limit rotation of blades to a speed below the designed limits of a SWECS. For purposes of this section, "manual and automatic controls" mean controls which give protection to power grids and limit rotation of a SWECS' blades to below the designed limits of the conversion system. The professional engineer or authorized factory representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or

alterations from certified design shall be permitted unless accompanied by a professional engineer's or the authorized factory representative's statement of certification.

**C. Special Use**

An applicant may apply for a Special Use Permit when one or more of the above standards cannot be met.

**D. General Guidelines and Requirements**

**1. Accessory Structures**

SWECS are permitted accessory structures

**2. Zoning Districts**

SWECS are permitted accessory structures in all Zoning Districts.

**3. Historic Districts**

SWECS are prohibited from all historic districts in the City of Peoria.

**E. Removal of Abandoned SWECS**

If the SWECS remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned and shall constitute a public nuisance. Upon notification from the Zoning Administrator, the owner/operator shall remove the abandoned system at their expense within twenty (20) days from the date of the letter. Removal of the system includes the entire structure including foundations, transmission equipment and fencing around the SWECS. Nonfunction or lack of operation may be proven by reports from the interconnected utility. The Zoning Administrator may request more information to prove the SWECS has been abandoned. If the owner/operator of the SWECS feels the SWECS has not been abandoned, a hearing shall be scheduled for the owner/operator to show significant proof that the SWECS has not been abandoned. If the SWECS is not removed after such twenty (20) day period, the Zoning Administrator is authorized to cause the SWECS to be removed forthwith. Any expense incidental thereto shall be paid by the owner, agent or person having the beneficial use of the SWECS or premises on which the SWECS is found. The owner of the SWECS will be responsible for any remaining costs.

*(Ordinance No. 16,419 § 1, 10-27-09; Ordinance No. 16,527 § 1, 01-26-10; Ordinance No. 16,651, § 1, 01-25-11; Ordinance No. 16,784 § 1, 01-10-12)*

## **5.5 TEMPORARY USES**

### **5.5.1 Applicability**

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

### **5.5.2 Certificate of Zoning Compliance Required**

#### **A. Certificate Required**

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

#### **B. Basis for Certificate Denial**

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

#### **C. Conditions on Certificate**

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

#### **D. Revocation of Certificate**

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

### **5.5.3 Permitted Temporary Uses**

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

#### **A. House, Apartment, Garage and Yard Sales**

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

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

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

1. The display area shall not encroach into any required yard area.
2. Special sales shall not exceed three days in length and shall be limited to 12 special sales per year. At no other time shall materials, merchandise or inventory be stored outdoors except per the requirements for permanent display areas.



3. Plant sales located within parking areas shall adhere to the following regulations:
  - a. The proprietor of the plant sale must obtain a zoning certificate with the property owner's consent.
  - b. Plant sales are allowed in parking areas that exceed the minimum required parking spaces per 8.1.6. For a maximum of 150 consecutive days per calendar year.
  - c. Plant sales structures must meet the setback requirements of the respective zoning district and must not exceed a maximum height of 14 feet.
  - d. Any proposed outdoor lighting for the plant sale must obtain the appropriate permit from the inspections department and adhere to outdoor site lighting requirements 8.5
  - e. Temporary signage for plant sales must adhere to the temporary signage requirements. With the exception that the frequency of display may be increased to one display period for a length of 150 days and shall not include any prohibited signage.

**C. Christmas Tree Sales**

1. Christmas tree sales shall be allowed as a temporary use within any nonresidential district providing that they have received prior approval from the Zoning Administrator and conform to the conditions set forth below. Such sales shall be permitted in any residential area when conducted by a not-for-profit religious, philanthropic, or civic organization on property owned or leased by such organization.
2. The Zoning Administrator shall not approve any temporary use for Christmas Tree Sales unless they find that the proposed use will not have any adverse impact on the surrounding property, and the site for such proposed use is adequate in terms of size, lighting, parking and traffic access. No such use shall be authorized for a period in excess of 45 days. The sale of other seasonal holiday items such as pumpkins and Easter lilies will be allowed as temporary uses pursuant to the procedure and conditions set forth for Christmas tree sales.

**D. Demountable Temporary Structures**

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

**E. Contractor's Offices and Equipment Sheds**

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

**F. Real Estate Offices, Including Model Units**

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

**G. Carnivals and Circuses**

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

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

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

**1. Existing Inventory Only**

No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of the temporary sale.

**2. No Outdoor Sales**

Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.

**3. Number and Duration of Sales Limited**

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

**4. Zoning Certificate**

A zoning certificate shall be required.

**I. Tents**

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

**J. Civic Uses of Public Property**

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

**K. Wheelchair Ramp**

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

**L. Portable Storage Devices**

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

1. One portable storage device not exceeding outside dimensions of 16 feet in length, eight feet in width, and nine feet in height per zoning lot shall be permitted in all residential zoning districts for no more than 14 consecutive days three times per calendar year provided they are placed on a driveway and meet all yard requirements of the prescribed zoning district (see also paragraph E above). In addition, an extension to the 14 days for an additional 30 days is allowed for those instances that construction activity, new construction or renovation is occurring in conjunction with a current building permit issued by the City of Peoria (see also paragraph E above).
2. One portable storage device not exceeding outside dimensions of 16 feet in length, eight feet in width, and nine feet in height per zoning lot shall be permitted in all commercial and form zoning districts no more than 30 consecutive days per calendar year provided they are placed on an impervious surface and meet all bulk regulations of the prescribed zoning district. The device shall not be located in an area that hinders access to parking spaces and/or access aisles. There shall be no stacking of units (see also paragraph E above).
3. One portable storage device not exceeding outside dimensions of 16 feet in length, eight feet in width, and nine feet in height per zoning lot shall be permitted in all industrial zoning districts for no more than 60 consecutive days per calendar year provided they are placed on an impervious surface and meet all bulk regulations of the prescribed zoning district. The device shall not be located in an area that hinders access to parking spaces and/or access aisles. There shall be no stacking of units (see also paragraph E above).

**5.5.4 Bulk, Yard and Space Requirements**

Except as expressly provided otherwise in this section, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.

**A. Parking**

Before approving any temporary use, the Zoning Administrator shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Zoning Administrator, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

**B. Additional Conditions**

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

*(Ordinance No. 16,644 § 1, 12-14-10)*

## 5.6 USE CATEGORIES

### 5.6.1 Applicability

The following use categories are not zoning districts. These categories group uses for regulatory purposes. A use listed below is only permitted in accordance with Article 5.0, Permitted Land Uses.

#### A. Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

#### B. Approach to Categorizing Uses

The use categories used in Article 5.0, Permitted Land Uses, are set forth in 5.6.2 through 5.6.6.

##### 1. Principal Uses

The "Principal Uses" portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

***Example:** A use that calls itself "Wholesale Warehouse," but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.*

##### 2. Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use as set forth in 5.6.2 through 5.6.6. No accessory use may be established on a site without a principal use. Specific regulations governing accessory uses are set forth 5.4, Accessory Structures and Uses.

##### 3. Uses Not Included

The "Uses Not Included" provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

### 5.6.2 Residential Use Categories

#### A. Household Living

Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.

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

**B. Group Living**

Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.

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

(Ordinance No. 16,445, § 1, 06-24-09; Ordinance No. 16,609, § 1, 09-28-10)

### 5.6.3 Civic Use Categories

#### A. Community Service

Uses of a public, nonprofit, or charitable nature providing ongoing public safety, educational, training, or counseling to the general public on a regular basis, without a residential component.

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

#### B. Day Care

Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

Principal Uses	Accessory Uses	Uses Not Included
Child care home (up to 8) Day care center (8+) Drop-in child care center Intermediate childcare Nursery school, preschool	Associated office Food preparation or dining area Health, arts and crafts, and therapy area Indoor or outdoor recreation facility	Counseling in an office setting (see Office) On-site day care facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Uses)

**C. Educational Facility**

Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

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



**D. Medical Facility**

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

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

**E. Parks and Open Space**

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

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

**F. Passenger Terminal**

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

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

**G. Place of Worship**

Places of assembly that provide meeting areas for religious practice.

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

**H. Social Service Institution**

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

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

**I. Utilities**

Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).

Principal Uses	Accessory Uses	Uses Not Included
Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, gas or electric installation/transmission, water and wastewater pump station or lift station, gas gates Major utilities, including aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank Wireless communication facility	Control, monitoring, data or transmission equipment Storage	Landfill (see Waste-Related Service) Utility office, radio, TV, recording studio (see Office) Reservoir, control structure, drainage well, water supply water well (see Parks and Open Area)

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

### 5.6.4 Commercial Use Categories

#### A. Indoor Recreation

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

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

(Ordinance No. 16,521, § 1, 01-12-10)

**B. Office**

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

Principal Uses	Accessory Uses	Uses Not Included
Offices including advertising, business management consulting, data processing, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency Detective agency Financial services such as lender, investment or brokerage house, Call center Counseling in an office setting Government office Radio, TV or recording studio Utility office	Ancillary storage Food preparation or dining area Health facility Janitorial facility Meeting room On-site day care where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Limited retail sales (internal) Technical library	Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial) Bulk mailing service (see Light Industrial) Mail-order house (see Wholesale Trade) Medical, dental office or chiropractor (see Medical Facility) Research, testing, and development laboratory (Light Industrial) Urgent care or emergency medical office (see Retail Sales and Service)

**C. Outdoor Recreation**

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.

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

**D. Overnight Lodging**

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

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

**E. Parking**

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

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

**F. Restaurant**

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

Principal Uses	Accessory Uses	Uses Not Included
Cafeteria Delicatessen Pizza delivery facility Restaurant, fast-food restaurant, take-out, yogurt or ice cream shop Restaurant with sale of alcoholic beverages, brew pub Restaurant, drive-in	Associated office Deck, patio for outdoor seating or dining Drive-through facility	Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden (see Indoor Recreation) Catering establishment (see Retail Sales and Service or Light Industrial)

### G. Retail Sales and Service

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses	Uses Not Included
<b>Sales-Oriented</b> Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, flowers, fruits, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vegetables, videos, and related products Auction room, auction house, art or photo studio, gallery Butcher, baker, pawnshop Convenience store with gas pumps, gas station Convenience store without gas pumps Greenhouse or nursery, commercial, garden center, outdoor retail sales, flea market, farmers market, vehicle parts and accessories Wholesale club <b>Service-Oriented</b> Bank, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care Catering establishment, small-scale Cleaning establishment, small-scale Convenience Cash Businesses Dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station Funeral home or mortuary, undertaking establishment Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop Photocopy, blueprint, package shipping and quick-sign service, printing and publishing Photoengraving, post office, travel, ticket agency School for the Arts Security service, taxidermist Tattoo shop, palmist, psychic, medium, massage parlor Urgent care or emergency medical office <b>Repair-Oriented</b> Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer, seamstress Gunsmith, locksmith	Associated office Automatic one bay car wash facility Drive-thru facility Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods	Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment, beer garden (see Indoor Entertainment) Catering establishment (see Retail Sales and Service or Light Industrial) Crematorium (see Light Industrial) Drop-in child care center (see Day Care) Full- or self-service vehicle wash (see Vehicle Sales and Service) Indoor entertainment activity such as pool hall, bowling alley, game arcade (see Indoor Recreation) Laundry or dry-cleaning plant (see Light Industrial) Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park (see Outdoor Recreation) Pizza delivery facility; restaurant, fast-food restaurant, take-out, yogurt or ice cream shop, restaurant with sale of alcoholic beverages, brew pub, restaurant, drive-in (see Restaurant) Vehicle sales, repair or service (see Vehicle Sales and Service) Wholesale of food, clothing, auto parts, building hardware, wholesale display, wholesale establishment (see Wholesale Trade)

(Ordinance No. 16,365, § 1, 11-25-08; Ordinance No. 16,606, § 1, 09-14-10)



**H. Self-Service Storage**

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Principal Uses	Accessory Uses	Uses Not Included
Warehouse, self-service, mini-storage Warehouse, self-service, fully enclosed indoor multi-story storage	Associated office Storage of boats and campers Caretaker or security person unit	Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store (see Warehouse and Distribution) Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial) Recycling facility including recyclable material storage, including construction material (see Waste-Related Services) Rental of light or medium trucks (see Vehicle Sales and Service)

**I. Vehicle Sales and Service**

Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as vehicle service involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.

Principal Uses	Accessory Uses	Uses Not Included
Full- or self-service vehicle wash Manufactured housing sales Vehicle service including audio and alarm system installation, custom accessories (window tint, stripe, luggage rack, molding, bumpers) quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, hand and foot control installation, glass repair/replacement provided such all activity is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting. Vehicle repair including A/C replacement A/C servicing, alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service, repair of brakes/shocks, mufflers, transmissions, engine replacement/overhaul, trucks service exceeds 3/4 ton, truck service tune up Vehicle sales, rental, or leasing including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles, unattended vehicle sales lot, car rental auto leasing, over the road trailer leasing, auction vehicle, broker vehicle, pawn shop vehicle	Associated office Sale of parts Single-bay, automatic car wash Towing Vehicle fueling Vehicle storage	Earth moving and heavy construction and transportation equipment (see Heavy Industrial) Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture) Vehicle parts sale as a principal use (see Retail Sales and Service)

**J. Water-Oriented**

Uses that require direct access to navigable waters.

Principal Uses	Accessory Uses	Uses Not Included
Boat livery Dock or pier (commercial) Dry storage of boats Ferry/water taxi Marina Wet storage of boats (commercial)	Selling, leasing or rental of covered or uncovered boat slips or dock space, dry storage space, boats and boat motors, marine fuel and lubricants, bait and fishing equipment Repair and maintenance of boats and boat motors On-shore restaurants Small boat hauling or launching facility	Water park (see Outdoor Recreation)

### 5.6.5 Industrial Use Categories

#### A. Wholesale Trade

Firms or individuals involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

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

**B. Light Industrial**

Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
Armory, brewery, winery, bottling plant, bulk mailing service, catering establishment, large-scale, movie production facility Clothing, textile or apparel manufacturing, boot and shoe manufacturing, garment factory Contractors storage (indoor/outdoor) including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site, lawn, tree or garden service Crematorium, detention center, jail, prison Laundry, dry-cleaning, and carpet cleaning plants, cleaning establishment, large-scale, diaper service, linen supply Leather and leather products except tanning and finishing, felt and fiber articles Light manufacturing or assembly of equipment, instruments, or goods including musical instruments, appliances, bedding, coated-ware, medical/dental goods, orthopedic, medical appliances, precision items, optical goods, surgical products, sporting goods, office and art supplies, pottery, ceramics, electrical equipment/items, glass products, paper products (except pulp mills) printing, publishing, and lithography, production of artwork and toys, sign-making, metal products, rope, cord, twine manufacture Repair of scientific or professional instruments, electric motors, electrical and refrigeration equipment, research, testing, and development laboratory Stone, clay, concrete products Storage area used for manufacturing Trade school, heavy equipment, truck operators Welding, machine, tool repair shop, sheet metal shop, tool, die, and gauge manufacturing, metal stamping Woodworking, including cabinet makers and furniture manufacturing, lumberyard and wood products	Accessory medical clinic Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site	Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction) Recycling facility including recyclable material storage, including construction material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Distribution) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Retail Sales and Service)

**C. Warehouse and Distribution**

Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses	Uses Not Included
Freight, distribution facility, parcel service Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Cartage and express facility Postal distribution facility Commercial packing for fruits and vegetables Drop yard Outdoor storage yard Railroad switching yard, freight terminal, piggyback yard Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred Truck or motor freight terminal, service facility Warehouse, distribution facility	Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Warehouse, self-service, mini-storage Warehouse, indoor multi-story (see Self-Service Storage) Solid or liquid waste transfer station (see Waste-Related Service)

**D. Heavy Industrial**

Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

Principal Uses	Accessory Uses	Uses Not Included
Asbestos and radioactive materials products Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause Animal processing, packing, treating, and storage, livestock or poultry slaughtering, animal slaughter, stockyards, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, batch plant Bulk storage of flammable liquids Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products Commercial feed lot Concrete batching and asphalt processing and manufacture, batch plant Earth moving and heavy construction equipment and transportation equipment Explosives Gypsum manufacture, linoleum manufacturing Fabricated metal products and machinery Foundry, forge plant Impound lot, wrecker service includes city wreckers, auto storage, automobile dismantlers and recyclers, wrecking, junk or salvage yard Leather and leather products includes tanning and finishing Petroleum, liquefied petroleum gas and coal products and refining Primary metal manufacturing, electroplating, graphite Pulp mills Rubber and plastic products, rubber manufacturing Scrap metal processors Sawmill, pulp mill Secondary materials dealers Tire recapping Tobacco products Transportation equipment	Associated office Food preparation or dining area Product repair Repackaging of goods Warehouse, storage Residential Unit for Security purposes (single unit)	Animal waste processing (see Waste-Related Service) Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction) Recycling facility including recyclable material storage, including construction material (see Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)

**E. Waste-Related Service**

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

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



### 5.6.6 Open Use Categories

#### A. Agriculture

Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

Principal Uses	Accessory Uses	Uses Not Included
Aviary Commercial fishing Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development Crop, soil preparation, agricultural services, large animal and veterinary services Farm labor and management services Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Fish hatcheries and preserves Floriculture Grain, fruit, field crop and vegetable cultivation and storage Hunting, trapping and game propagation Livestock, horse, dairy, poultry and egg products Livestock auction Milk processing plant Packing house for fruits or vegetables, orchards Poultry slaughtering and dressing Retail or wholesale sales of agriculturally-related supplies and equipment Timber tracts, forest nursery gathering of forest products	Aircraft landing field or helicopter landing facility (private) Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Dish antenna under 1 meter Dock or pier (noncommercial) Housing for ranch or farm labor, including manufactured homes Sale of agricultural products U-pick facilities	Animal waste processing (see Waste-Related Service) Animal processing, packing, treating, and storage, livestock or poultry slaughtering, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing (see Heavy Industrial) Botanical garden, nature preserve, recreational trail, game preserve, wildlife management area, refuge, animal sanctuary (see Parks and Open Area) Dredging, earth extraction, clearing or grading (timber cutting), extraction of phosphate or minerals, extraction of sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction) Greenhouse or nursery, commercial, garden center (see Retail Sales and Service) Horse stable, riding academy (see Outdoor Recreation)

**B. Resource Extraction**

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

Principal Uses	Accessory Uses	Uses Not Included
Dredging, earth extraction, clearing or grading (timber cutting) Extraction of phosphate or minerals Extraction of sand or gravel, borrow pit Metal, sand stone, gravel clay, mining and other related processing Stockpiling of sand, gravel, or other aggregate materials	Associated offices Equipment storage Resource processing	Concrete batching and asphalt processing and manufacture, batch plant (see Heavy Industrial) Recycling facility including recyclable material storage, including construction material, solid or liquid waste transfer station (see Waste-Related Service)