

11.0 Definitions

11.1 RULES OF CONSTRUCTION

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

11.2 ABBREVIATIONS

ANSI: American National Standards Institute, Inc. or its successor bodies.

ATM: Automatic Teller Machine; automatic financial transaction machine.

BES: Building Envelope Standard

EIFS: Exterior Insulation and Finish Systems

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

GLA: Gross leasable area, the amount of leasable square footage contained within a shopping center.

GFA: Gross Floor Area

RBL: Required Building Line

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

SWECS: Small Wind Energy Conversion Systems

ZBA: The Zoning Board of Appeals of Peoria.

11.3 DEFINED TERMS

For purposes of this development code, the following terms shall have the following definitions and meanings:

Abandonment: A cessation of operation or reduction in the effective radiated power of an antenna by 75 percent for six months or more.

Accessory Building or Structure: A subordinate building or structure located on the same lot with the principal structure or building, occupied by or devoted to an accessory use. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building. Accessory structures include, but are not limited to, swimming pools, tennis and basketball courts, other outdoor residential recreational facilities, and other open type structures like gazebos.

Accessory Storage Building: Permitted accessory storage buildings include open or closed type buildings, including private garages, and are designed and used for storage or parking of vehicles and storage of materials incidental to the use of the principal structure, or are designed and used for allowable uses incidental to the principal structure.

Accessory Use: An accessory use is a use that:

- Is subordinate in area, extent and purpose to, and serves a principal structure and use;
- Is customarily found as incidental to such principal structure or use;
- Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use;
- Is, except as otherwise expressly authorized by the provisions of this Code, located on the same zoning lot as such principal structure or use; and
- Is under the same ownership and control as the principal structure or use.

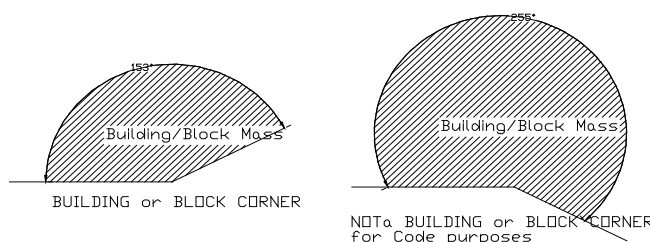
Acre: An acre is a measure of area equal to forty-three thousand five hundred sixty (43,560) square feet.

- Adjacent/Adjoining:** The condition of being near to or close to but not necessarily having a common dividing line. Two properties which are separated by only a street or alley shall be considered as adjacent or adjoining one another.
- Alley:** A public or private right-of-way designed to serve as a secondary means of access to the side or rear of those properties whose principal frontage is on a street.
- Alteration:** Any act or process which changes one or more of the "exterior architectural features" of a structure designated for preservation or neighborhood conservation.
- Ambient Noise Level:** The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- Amortization:** The process by which, upon official notification by the Zoning Administrator of a nonconforming status, nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period of time.
- Amplitude:** The maximum displacement of the earth from the normal rest position. Displacement is usually reported as inches per mils.
- Appurtenances:** Equipment (e.g., benches, signs, street lights, etc.) used for a specific purpose.
- Attic Story:** Habitable space within the structure of a pitched roof and above the maximum/upper story of a building. Attic stories, where permitted, do not constitute an additional story so long as their sole façade fenestration is configured within dormer windows, as defined in this ordinance.
- A-Weighted Sound Level:** In decibels, a frequency-weighted sound pressure level, determined by the use of the metering characteristics and A-weighted network specified in ANSI S1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.
- Awning:** A structure made of cloth, metal, or other material, whether or not retractable, that projects from the wall of a building not supported by the ground. Also, roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.
- Back-lit / Halo-lit Illumination:** An illuminated reverse channel letter (open or translucent back) so light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter.
- Balcony:** An exterior platform attached to the building facade. Balconies must be enclosed by balustrades (railings). See also 6.6, Architectural Standards.
- Banner:** A temporary sign, constructed of lightweight plastic, canvas, fabric, or other temporary material, with or without a structural frame, usually square or rectangular in shape, and intended for a limited period of display.
- Basement:** A story partly underground and having at least one-half of its height above the average level of the adjoining ground. Except in the Form Districts, a basement shall be counted as a story if subdivided and used for a dwelling or business.
- Basement, English:** A semi-underground story serving to raise the ground story finished floor elevation a minimum of three feet and a maximum of seven feet above the exterior sidewalk elevation at the required building line. A raised basement shall not count against the story height limitations. Also known as a Raised Basement.
- Bay or Bay Window:** Generally, a U-shaped enclosure extending the interior space of the building outward of the exterior building wall. Walls and windows shall be between 90 degrees (perpendicular) and zero degrees (parallel) relative to the primary wall from which they project. See also 6.6, Architectural Standards.
- Bed and Breakfast Establishment:** An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guestrooms for rent, in operation for more than ten (10) nights in

a twelve-month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, rooming houses, or food service establishments.

Block: The distance as measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it. In the Form Districts, an increment of land comprised of lots, alleys, and tracts circumscribed and not traversed by streets (pedestrian pathways excepted). Blocks in the Form Districts shall be measured at the frontage lot lines (along the required building line).

Block Corner: The outside corner of a block at the intersection of any two streets. Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave), are not considered block corners for the purposes of the Form Districts.



Block Face: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Board: The Zoning Board of Appeals (ZBA) of Peoria.

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

Buffer: For the purposes of Article 9, any existing vegetated area, including trees, shrubs and herbaceous vegetation, or is established to protect a stream system or lake. A buffer for a stream system shall consist of a forested and/or vegetated strip of land extending along both sides of a stream, as of its location at the date of any land use change of abutting property subsequent to the date of this part, and its adjacent, floodway, and slopes.

Buffering Areas: Areas reserved for the purpose of creating open space at the perimeter of a parcel to be developed. In the reserved areas no improvements are permitted except for the purpose of direct vehicular access to the site and landscaping and/or screening. Vehicular access ways shall not be computed as part of the required buffering area.

Buildable Area: The total area of the parcel minus the area within the required perimeter yards. In the Form Districts, the area of the lot that buildings may occupy, as specified in the building envelope standards. The buildable area sets the limits of the building footprint now and in the future—additions to structures must be within the designated area.

Building: Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Some building envelope standards are specific to building corners. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees, are not considered building corners for the purposes of this development code. (See diagram at Block Corner, above.)

Building Envelope Standards. The part of the development code that establishes basic parameters regulating building form, including the envelope, placement (in three dimensions) and certain permitted or required building elements, such as storefronts, balconies, and street walls. The building envelope standards establish both the boundaries within which development may occur and specific standards that must be met. In the Form Districts, the applicable building envelope standards for a site are determined by its street frontage as shown on the regulating plan.

Building, Height Of: The vertical distance measured, in the case of flat roofs, from the curb level to the level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the curb level to the mean height level of the gable. Where no roof beams exist or where there are structures wholly or partly above the roof, the height shall be measured from the curb level to the level of the highest point of the building. For buildings set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building. In the CG, CN, and Form Districts, building height is measured in terms of stories.

Building Official: Director of Inspection Services of the City of Peoria as appointed by the City Manager.

Building Orientation: The location of structures on a zoning lot in the plan view.

Building, Temporary: A building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

Bulk: The size and shape of a structure and the use contained within the structure and its relationship to other structures, to the lot area for a structure, and to open spaces and yards.

Canopy: A structure made of cloth, metal or other material which projects from the wall of a building and is supported above the ground by poles, posts, columns, beams, girders or other frame work attached to the ground.

Certificate of Appropriateness for Alteration: A certificate from the Site Plan Review Board authorizing plans for construction, reconstruction, alteration, the moving, rehabilitation or demolition of a building or structure which is located within any Neighborhood Conservation District Overlay.

Certificate of Appropriateness for Special Exception: A certificate from the Zoning Commission authorizing the use of a building or structure within any Neighborhood Conservation District Overlay, originally constructed for use as a single dwelling unit, for an allowable special exception use as a two-family dwelling unit, three family dwelling unit, day care center, or family care facility pursuant to the Standards and Criteria for Certificates of Appropriateness.

Certificate of Occupancy (CO): Official certification from the Building Official that a premise conforms to provisions of the City codes, including the Zoning Ordinance and building code and may be used or occupied. Such a certificate is granted after new construction or alteration of premises is completed.

Chamfered: Angled to create a diagonal façade from two perpendicular facades.

Channel Letter: A fabricated dimensional letter.

Channel Letter, Reverse: A fabricated dimensional letter with opaque face and side walls.

Child Care Home: A child care home is a facility located in a single family residence which receives not more than eight children for fewer than 24 hours per day unattended by parent or legal guardian. The maximum of eight children includes the family's natural or adopted children under the age of 16 and those children who are in the home under full-time care. Activities may include educational training; however, non-family employees shall not be allowed.

City: The City of Peoria, Illinois.

Civic Buildings: In the Form Districts, those buildings that house civic uses located on the sites designated on the regulating plan. Publicly-owned civic buildings and publicly-owned public art are not subject to the building envelope standard prescriptions of this Code.

Civic Green or Square: Public spaces located within a Form District as designated on the regulating plan. The term square is generally used to describe spaces that have more paved surface area. The term

- civic green is generally used to describe a formally configured, small public lawn or park that is primarily unpaved. See the 6.8, Streetscape Standards, for the specific controls on squares and civic greens.
- Commission: The Zoning Commission (ZC) as established in the Peoria Zoning Ordinance.
- Commerce Use: For the purposes of the Form Districts, commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in Section 5.6, Use Categories.
- Common Area: Those areas and facilities owned, designated, and intended for use by all of the residents and owners of the development.
- Common Lot Lines: Lot lines shared by adjacent private lots.
- Compatible: The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass, bulk of structures, and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.
- Congregate Housing: Institutional housing consisting of apartments, rooms, medical service facilities, and dining services for residents who require such housing because of age or medical condition.
- Consistent: A rigorous harmony with the established character of existing development and/or the strict adherence to development codes. Consistent requires development to exactly reproduce the character of existing development and/or be produced exactly as specified by code in terms of materials, design, height, mass, setback and other design requirements.
- Construction: On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.
- Construction Area: For the purposes of subdivision, that area on which curb, gutter, streets, and sidewalks are to be constructed.
- "Convenience Cash" Business: includes title loan businesses and payday loan businesses as defined by this ordinance.
- Convenience Store: A retail store that carries a limited selection of basic items, such as packaged foods and drugstore items, and is open long hours for the convenience of shoppers.
- Coping: The top layer or course of a masonry wall usually slanted to shed water.
- Cornice: An ornamental topping that crowns the structure it is on.
- Council: The City Council of Peoria.
- Courses: Continuous layers of building material, such as bricks in a wall or roof of a building. "Rowlock" and "soldier" are types of brick courses.
- Courtyard: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.
- Critical Traffic Management Area: Area identified by the Site Plan Review Board and shown on the Official Zoning Map after approval by the City Council in the manner provided for amending this development code as set forth in Section 2.8, Amendments. In an area so designated, any allowable use or use authorized by the Zoning Administrator shall be required to submit a traffic impact analysis and may be required to pay for improvements in the area to alleviate the expected increase in traffic associated with the development.
- Curb Level: The street curb height at the midpoint of a lot line. Where no curb exists, the elevation of the crown of the street at the midpoint of the lot line shall be deemed to be the curb level.

Day Care Center: A child or adult group care facility receiving more than eight persons for fewer than 24 hours per day unattended by parent or legal guardian. This use is considered a commercial operation in which non-family employees are allowed.

Daytime Hours: 7:00 a.m. to 7:00 p.m., local time.

dB(A): Sound level in decibels determined by the A-weighting of a sound level meter.

Decibel (dB): A unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this regulation, shall be 20 microneutons per square meter ($\mu\text{N/m}^2$).

Deciduous Shrub: A lower story plant that generally will not attain a mature height of more than 25 feet and usually has a dense branching pattern which is close to the ground level. Such plants shed their leaves and are dormant during winter. Any similar plant that will not attain a mature height of more than one foot will not be regarded as a shrub.

Demolition: Any act or process which destroys in part or in whole a structure.

Developer: Any individual, firm, association, syndicate, corporation, co-partnership, trust or any legal entity commencing proceedings under this development code or other ordinances to build dwelling units on a lot or lots.

Director: The Director of the Department of Planning and Growth Management of the City of Peoria, or his/her designee.

District: Any specifically described area of the City as indicated by the Official Zoning Map of the City of Peoria to which these regulations apply and shown on an official map maintained by the Zoning Administrator.

District, Overlay: An overlay district is a second set of regulations applied to any part or all of a zoning district (as defined for the term District) or any number of districts. The overlay district regulations may relax or further restrict the number or types of uses allowed as well as the way permitted activities operate within the overlay district boundaries. Such districts are mapped on the City's official Zoning Map.

District, Underlying: An underlying district is the term referring to a zoning district (as defined for the term District) when it is affected by an overlay district.

Dooryard: The area, within the streetspace, between the façade of the building (generally the required building line) and the property line (generally the public sidewalk). Stoops, balconies, and for appropriate commercial uses, temporary displays, café seating, and other encroachments as specified by the City may be placed within the dooryard area.

Dormers: Small, roofed ancillary structures with windows providing light and air to habitable space within the roof. See also 6.6, Architectural Standards.

Drainage Course: A water course or indenture for the drainage of surface waters.

Driveway: A hard surfaced pathway for motor vehicles from a street or alley to an area or a structure used for service purposes or access to the structure only.

Driveway Extension: A hard-surfaced pathway for motor vehicles which is contiguous to an approved driveway, is designed with the least amount of hard-surfaced material as determined by the Zoning Administrator, and is utilized to lead to a legal parking space(s).

Dwelling: A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings or multiple-family dwellings, but not including hotels or motels.

Dwelling, Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation.

- Dwelling Unit:** One or more rooms including a kitchen or kitchenette, located within a residence providing complete living facilities for one family or containing facilities and equipment for living, sleeping, cooking and eating.
- Easement:** A right or privilege held by the public, a corporation or person for the use of land for specified purposes.
- Eave Height:** Where used to limit building height, eave height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.
- Engineer:** A person licensed in the State of Illinois to practice engineering.
- Erodible Soils:** Those soils with an erosion K factor greater than 0.4, as listed in the current edition of "Soil Survey of Peoria County, Illinois," a publication of the United States Department of Agriculture, Soil Conservation Service.
- Evergreen:** Plants which continuously retain leaves or needles over the four seasons of the year.
- Evergreen Shrub:** A lower story plant that generally will not attain a mature height or more than twenty-five (25) feet and usually has a dense branching pattern which is close to the bound level. Such plants retain their foliage throughout the year. Any similar plant that will not attain a mature height of more than one (1) foot will not be regarded as a shrub.
- Evergreen Tree:** A tree that retains its foliage throughout the year generally develops a pyramidal shape and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrubs such as upright Junipers and upright Arborvitae.
- External Illumination:** Illumination of a sign which is affected by a source of light which is not contained within the sign itself.
- Facade:** That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation where it faces a street. Building elevations facing interior courts, common lot lines, and alleys are not considered facades.
- Family:** A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family so related includes any domestic servants and not more than one gratuitous guest residing with said family. A family may also be composed of not to exceed three persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family so constituted shall not be permitted to include a gratuitous guest; nor shall a relative by blood, marriage or adoption of any one of the three unrelated persons be permitted to reside as part of a family so constituted. The three unrelated persons may not include a domestic servant as an additional person.
- Family Care Facility:** A non-medical facility for the housing of no more than eight unrelated persons (inclusive of residential staff), who, due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require assistance and/or supervision, and who reside together in a family-type environment as a single housekeeping unit. Excluded from the definition of family care facilities are homes in which residents are criminal offenders or former criminal offenders. Excluded from this definition are persons whose disability arises from current use or addiction to a controlled substance as this term is used in the US Code and Illinois Statutes.
- Fascia:** A plain horizontal band along the roofline of a building.
- Faster Meter Response:** The dynamic characteristics specified as "FAST" in ANSI S1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.
- Fence:** A barrier attached to the ground consisting of vertical or horizontal supports and cross members which separate lot lines or yards.

- Fenestration:** Openings in the building wall, including windows and doors, allowing light and views between interior and exterior. Fenestration is measured as glass area (excluding muntins and similar window frame elements with a dimension greater than one inch) for conditioned space and as open area for parking structures or other un-conditioned, enclosed space.
- Final Plat:** The final map or drawing on which the subdivider's plan of subdivision is presented to the Planning Commission and City Council for approval, and which, if approved, will be submitted to the County Recorder for recording.
- Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- Flag, Garrison:** Any fabric, banner, or bunting measuring 20 feet by 38 feet or larger and containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- Flood-Prone Areas:** Areas susceptible to a base flood as delineated by the flood hazard boundary map.
- Floor Area Ratio:** Floor area ratio is the relationship between the amount of gross floor area to the total amount of land area on a parcel of land. For example, a floor area ratio of .33 means that for every three square feet of land one square foot of gross floor area will be permitted. Thus, a 30,000 square foot parcel would permit the development of 10,000 square feet of gross floor area.
- Freestanding Sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- Frontage:** All property on one side of a street or place between two intersecting streets or places which cross or terminate at the other end, measured along the line of the street; or, if the street or place has a dead end, then all of the property abutting on one side between an intersecting street and the dead end of the street or place.
- Ganged:** Grouped or placed together.
- Garage Entry:** In the Form Districts, an opening (with curb cut) in the building façade and/or street wall where vehicles may enter into the block interior for general parking and business servicing. Garage entries shall not exceed 16 feet clear height and 24 feet clear width and shall not be sited within 75 feet of the block corner or another garage entry on the same block. Garage entry portals may be set back up to 24 inches behind the surrounding façade.
- Garage, Private:** An accessory storage building or portion of the principal structure use only for the storage of motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. If the occupants of the lot have fewer vehicles than the storage spaces contained in said garage, the un-required spaces may be used by or rented to others. Not more than one (1) of the vehicles may be a commercial vehicles of not more than three-quarter (3/4) ton capacity.
- Garage, Public:** Any premises, except those described as a private or storage garage, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
- Garage, Storage:** Any premises, except those defined as a private or public garage, used exclusively for the storage of self-propelled vehicles.
- Garden Wall:** An opaque masonry wall defining a property line or delineating a private area.
- Goods:** All things that are movable at the time of identification to a contract for sale. The term includes future goods, specially manufactured goods, the unborn young of animals, and growing crops. The term does not include information, the money in which the price is to be paid, investment securities, the subject matter of foreign exchange transactions, or choses in action.
- Granville:** The City of Peoria's ornament lighting unit consisting of an aluminum tapered and fluted pole light fixture produced by Unique Solutions, Grandville Series, or approved equal, which in certain instances,

- the placement of the pole, height of the pole and/or brightness of the fixture may need to be adjusted to fit neighborhood conditions. For further information, including dimensions and model number, see Ornamental Lighting Unit standard drawing. (See Fig. 11.3. (1))
- Gross Floor Area:** The total square feet of a building under roof exclusive of the following:
- atriums,
 - open wells, and
 - basement storage space used in common.
- Ground Story:** The first level of a building at or above grade. The next story above the ground story is the second floor.
- Groundcover:** Any evergreen or broadleaf evergreen plant that does not attain a mature height of more than one foot. Such plants shall be characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seed shall also be considered as qualifying groundcover.
- Group Care Facility:** A residential facility which is the same as a Family Care Facility except that it may house nine to 15 persons.
- Guest Room:** A sleeping room intended to serve no more than two transient guests per night.
- Habitable Elevation:** The height of the highest space in any existing or future building which is designed for use as a residence or working area of persons.
- Halfway House:** A facility primarily designed for the residence of persons on parole or mandatory supervised release.
- Handicap:** Physical or mental impairment which limits one or more of a person's life activities; or a record of having such impairment; or being regarded as having such impairment. However, the definition of handicap does not include the current use of or addiction to a controlled substance.
- Home Office:** For the purposes of the Form Districts, a home office shall be considered to be a home occupation. See 5.4.9.
- Hose bib:** A faucet with a threaded outlet to which a hose can be connected.
- Impact:** An earth-borne vibration generally produced by two or more objects striking each other so as to cause separate and distinct pulses.
- Impervious Cover:** Any hard-surfaced, man-made area that does not readily absorb or retain water.
- Impound Lots:** A facility, which provides temporary outdoor storage for, class I vehicles which are to be claimed by the titleholders or their agent. No vehicle shall be stored at said facility for more than 45 days and must remain mechanically operable and licensed at all times.
- Improvements:** Any building, structure, parking facility, fence, gate, wall, work of art, underground utility service or other object constituting a physical betterment of real property, or any part of such betterment.
- Impulsive Sound:** Either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.
- Industrial District:** Any one or all of the I1, I2, or I3 districts.
- Industrial Use:** For the purposes of the Form Districts, industrial uses shall be considered to encompass all of the Industrial use categories except the waste-related services and any animal processing, as defined in Section 5.6.6, Use Categories.
- Ingress and Egress:** The principal vehicular access into and out of the proposed development.
- Intensity:** The level of activity associated with an individual use or group of uses. Measure of intensity reflects the type of activity, the area required for the exercise of the activity, the traffic generation as indicated in the Institute of Traffic Engineering Handbook on Trip Generation and its updates, the

number of patrons in a given time frame, the service requirements for logistical purposes and associated environmental impacts.

Interested Person: Any person who holds an interest in real estate which is the subject of a zoning decision, and anyone who owns property within 250 feet of such real estate. Service of notice to interested persons may be made by mail or personal service on the last assessee of record.

Intermediate Tree: A deciduous plant characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their leaves and are dormant during winter. Intermediate trees may have either a single trunk or multiple trunks.

Internal Illumination: Illumination of a sign which is affected by a source of light which is contained within the sign itself. Any sign in which light becomes visible by shining through a translucent surface shall be considered a sign in which internal illumination is used.

Landscaped Area: An area where trees, shrubs, flowers, lawn or other plantings are provided.

Liner shops: Smaller shops surrounding a larger shop or store.

Lot: A single parcel of land which is legally described and recorded as such, or which is one or two (2) or more numbered lots or parts of such lots legally described and recorded as a part of a recorded subdivision plat. A lot is one or two or more contiguous lots or parts of lots of record comprising the tract of land which is designated by the owner at the time of application for a building or sign permit as the site to be used, developed or built upon as a unit. Therefore, a lot may or may not coincide with a single lot of record.

Lot Access: The vehicular access to a zoning lot. This access must have the same zoning designation as the use occupying the zoning lot.

Lot Area or Size: The total area included within the lot lines of a lot.

Lot Coverage: The ratio between the ground floor area of all buildings or structures on a lot and the total area of the lot.

Lot Frontage: The length of the front lot line of a lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the county recorder of deeds of Peoria County.

Lot Types: The terminology used in this ordinance with reference to lot types is as follows:

- **Corner Lot --** A lot located at the intersection of two or more streets.
- **Interior Lot --** A lot other than a corner lot with only one frontage on a street other than an alley.
- **Through Lot --** A lot other than a corner lot with frontage on more than one street other than alley. Through lots with frontage on two streets require that front yards shall be provided on both streets, provided however, if the lot is comparatively level, the number of dwelling units that may be constructed facing either street shall be computed by using one-half of the total area of the lot; if the lot has a substantial change in elevation, the area of the level portion shall determine how many dwelling units may be constructed fronting on the street adjoining the level portion of the lot.
- **Zoning Lot --** A single unified tract of land located within a single block which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single or unified ownership or control. Such lot shall have frontage on a street; shall be of at least sufficient size to meet minimum zoning requirements for use, coverage and area; shall provide such yards and other open spaces as herein required; and may consist of: (1) A single lot of record; (2) A portion of a lot of record; (3) A combination of complete lots of record; (4) A parcel of land described by a metes and bounds description; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance. In the case of Institutional Districts, a zoning lot shall be construed to mean the entire contiguous parcel whether or not separated by streets, alleys, or other rights-of-way.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture.

Major Topographic Features: Any outstanding or unique topographic configuration located within the development.

Marquee: A structure made of cloth, metal or other material over the main entrance of the building only, other than a canopy or awning, which projects from the wall of a building and is either supported solely by the building to which it is attached, or which may or may not be supported by frame work supported by the ground.

Mechanical Equipment: Equipment that is typically associated with the normal operations of a building and that may generate noise, vibration, or other effects that may inhibit the enjoyable use of adjacent properties. Such equipment would include but not be limited to air conditioning units, heating units, refrigeration units, and ventilation fans.

Medical Center: An institution providing health service and medical or surgical care on an inpatient or outpatient basis to persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories or training facilities.

Mezzanine: An intermediate level between the ground floor and the second story. It may be in the form of a platform, podium, or wide balcony. Mezzanine uses are limited to a continuation of the ground floor activity.

Mobile Home: A single family residential unit with all of the following characteristics: (a) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachments to outside systems; (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like; (d) designed for removal to and installation or erection on other sites.

Mobile Home Park or Court: A parcel of land which has been approved for the placement of fifty (50) or more mobile homes. The term "mobile home park" shall not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of inspection and sale.

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

Municipality: Municipality shall mean the City of Peoria.

Mural: Painting, or other art work applied to or made integral with a wall surface and does not contain a business name or logo.

Native Vegetation: Any plant material native to the State of Illinois.

Neon Tube Illumination: Illumination effected by a light source consisting of a neon tube which is bent to form letters, symbols, or other shapes.

Nighttime Hours: 7:00 p.m. to 7:00 a.m., local time.

Noise Pollution: A level of noise which subjects those in close proximity to such decibel levels that impair their health, general welfare and enjoyment of their property for its intended use.

Nonconforming building or structure: A building or structure which complied with the applicable laws when established, but does not conform to the provisions of this development code.

Nonconforming Use: See Use, Nonconforming.

Non-Point Source Pollution: Pollution which is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or groundwater seepage rather than direct discharge.

- Obligations:** Obligations means bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to finance a redevelopment project or a portion thereof, or to refund outstanding obligations.
- Octave Band Sound Pressure Level:** The sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is twenty (20) micronewtons per square meter.
- Official Development Plan:** A site plan and accompanying text which sets forth the approved development and uses, setback regulations, landscaping regulations, parking regulations, and signage requirements which apply within an institutional district, or a portion thereof.
- Off-Premise Sign Extensions:** An embellishment added to an off-premise sign to enhance a specific advertising message. An extension may increase the area of a sign face by no more than 20%, may extend no more than five feet above the topmost edge of the sign face and three feet from any side, and shall remain installed only for the duration of the advertising message in question. Although extensions may incorporate lighting incidental to the advertising message, all lighting upon any sign face must still adhere to the total allowable illumination of 75 foot candles.
- Off-Street Loading and Unloading Space:** An open hard-surface[d] area of land, other than a street, driveway, or public way, the principal use of which is for standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public use of streets and alleys.
- Off-Street Parking Schedule:** General off-street parking requirements, as delineated in Article 15 of the Zoning Ordinance; the schedule indicates the number of parking spaces required per use.
- One-Hundred-Year Floodplain:** The area of land adjacent to a stream or body of water that is subject to inundation during or following a storm event that has a recurrence interval of 100 years as delineated by FEMA.
- One-Hundred-Year Floodway:** The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year flood as delineated by FEMA.
- Opaque:** Impenetrable to light.
- Open Area:** For the purposes of the Form Districts, the area within the buildable area and behind the parking setback line, accessible to all occupants of the particular building or site, and open to the sky. Open area shall not be built-upon, parked or driven upon (except for emergency access), except as otherwise specified in the building envelope standards.
- Open Space:** That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of Article 16. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition.
- Operable Windows:** Windows capable of being opened and closed.
- Orchard configuration:** Trees planted in line with each other or in a row.
- Outparcel:** Individual retail or office sites on a shopping center site that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.
- Outpatient Treatment Facility:** A licensed treatment facility for alcoholism and other drug dependency without a residential component.

Overlay District: See District, Overlay.

Owner: Any agent, firm, corporation or person who, alone, jointly or severally with others, has a legal or equitable interest in the property.

Parapet Height: Where used to limit building height in this development code, parapet height shall be measured at the top of the parapet, including any coping. See also 6.6, Architectural Standards.

Parcel: A parcel is the assembly of property to form a contiguous land area for development under a unified plan.

Park – Active Recreation: An open space, which is owned either publicly or privately, with natural vegetation and landscaping. Active recreation includes activities often requiring equipment and taking place at prescribed places, sites or fields and that have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Examples include, but are not limited to, swimming pools, playing fields, basketball courts, playground equipment, and outdoor grilling.

Park – Passive Recreation: An open space, which is owned either publicly or privately, with natural vegetation and landscaping. Passive recreation includes outdoor leisure activities that have a low potential for nuisance to adjacent property owners. Examples include, but are not limited to, bike/walk trails, gazebos, and landscape features. Activities such as swimming pools, playing fields, basketball courts, playground equipment, park shelters, and outdoor grilling are prohibited.

Parking Area/Lot: An open, striped, hard-surfaced area of land, other than a street, driveway, or public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under two-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers. (See City Engineering Design Standards.)

Parking Area/Lot, Private: An open, striped, hard-surfaced area of land, other than a street, driveway, or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area/Lot, Public: An open, striped, hard-surfaced area of land, other than a street, driveway, or public way, intended to be used for the storage of passenger automobiles or commercial vehicles under two-ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking, Reserved: Reserved parking is not available to the public, but only to specifically identified users (either a single user per space or a set of users for a group of spaces), whether free or at a fee.

Parking, Shared. Shared parking is available to the public on an unreserved basis for free or at the same fee for all users. Time limits may be imposed to ensure turnover. Hours of public availability may also be restricted.

Parking Setback Line: A line/plane which extends vertically and generally parallel to the right-of-way, in front of which parking shall not be located unless otherwise specified on a regulating plan. The parking setback line shall not apply to on-street parking.

Parking Space/Lot: Striped, hard surfaced space within a parking area or a building of not less than one hundred fifty-seven and one-quarter (157.25) square feet (eight and one-half (8 1/2) feet by eighteen and one-half (18 1/2) feet, and a vertical clearance of at least seven (7) feet), exclusive of access drives, aisles, ramps, columns, or office and work area, for the storage of passenger automobiles or commercial vehicles under two-ton capacity.

Party Wall: A wall which is common to but divides contiguous buildings.

"Payday Loan": any transaction conducted via any medium whatsoever, including but not limited to, paper, facsimile, internet, or telephone, in which:

- (1) A lender accepts one or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one or more checks dated subsequent to the date written and agrees to hold them for deposit; or

- (2) A lender accepts one or more authorizations to debit a consumer's bank account; or
- (3) A lender accepts an interest in a consumer's wages, including, but not limited to, a wage assignment.

Payday Loan Business(es): Any person or entity, including any affiliate or subsidiary of a lender or licensee, that offers or makes a Payday Loan, buys a whole or partial interest in a Payday Loan, arrange a Payday Loan for a third party, or acts as an agent for a third party in making a Payday Loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, and includes any other person or entity engaged in a transaction that is in substance a disguised Payday Loan. This definition includes, but is not limited to, all entities required to be licensed through the State of Illinois Payday Loan Act, 815 ILCS Section 122/3-3. This definition also specifically includes any person, firm, association, corporation or partnership engaged in making any installment loan(s), other than those which have substantially equal monthly payments of principal and interest, which are fully amortized and which do not contain balloon or interest-only payments. This definition does not include: State or National banks, Trust Companies, Savings & Loan Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, Credit Union, or any person, firm, association, corporation or partnership engaged in the business of selling tangible personal property at retail who, in the course of such business and only as an incident thereto, receives checks, drafts, money, or receives or issues a contractual agreement to receive money or evidence of money on an installment basis in exchange for tangible goods sold or rented on the premises, with or without using such tangible goods as collateral or as a possessible item upon default.

Pedestrian Pathway: Interconnecting paved ways that provide pedestrian and bicycle passage through blocks running from a street to another street, an alley or an interior block parking area. The area within a pedestrian pathway shall be a public access easement or public right-of-way. See also 6.8, Street and Streetscape Standards.

Pennant: Any geometric shaped cloth, fabric, or other lightweight material which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere, and intended for a limited period of display.

Performance Standard: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by, or inherent in uses of land or buildings.

Person: An individual, partnership, corporation, joint stock association, or joint venture, and includes any trustee, estate, receiver, assignee or personal representative.

Portable Storage Device: A reusable cargo container of a rigid construction and rectangular configuration; fitted with devices permitting its ready handling; so designed to be readily filled and emptied; intended to contain one (1) or more articles of cargo or commodities for transportation by one (1) or more transport modes. The term includes completely enclosed units, open top units, fractional height units and other variations fitting into the container system. This definition shall include but not be limited to the following: portable on demand storage units, intermodal storage containers.

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

Plaza: A public open space at ground level wholly or partly enclosed by a building or buildings. It is continuously accessible to the public and has openings to the sky.

Pollution: Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wild animals, or birds; fish, or other aquatic life.

Portable Storage Device Facility: An open air facility for the storage of portable storage devices.

Practitioner: A person licensed by the State of Illinois to practice medicine or other healing arts.

Pre-code: Uses established prior to April 1, 1931.

Preferred Frequencies: Those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this regulation, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

Preliminary Plat: The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration.

Premises: A distinct portion of real estate, land or lands with or without buildings or structures. It may or may not have the same meaning as "lot," "building" or "structure."

Principal Structure: A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the zoning lot on which such structure is located.

Principal Use: The main use of land or structures, as distinguished from a secondary accessory use.

Privacy Fence: An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along alleys and common lot lines. Privacy fences shall not enclose front yards.

Prominent Discrete Tone: Sound, having a one-third octave band sound pressure level which when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two adjacent one-third octave bands on either side of such one-third octave band by:

- 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band; or
- 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band; or
- 15 dB for such one-third octave band with a center frequency from 215 Hertz to 125 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

Proprietary Interest: Private ownership of a given plot of land.

Quasi-Public Uses: Land or building uses that combine a public and private function, such as museums and parks.

Public Property: Site or property owned or controlled by the City of Peoria, Peoria County, Peoria Park District, School District 150 and Greater Peoria Sanitary District.

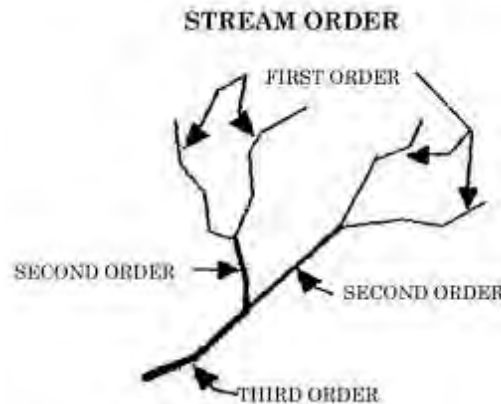
Raceway: A conduit that houses electrical cables and/or transformers giving them support. This conduit may also serve as a mounting structure.

Recovery Home: Alcohol and drug free housing authorized by an intervention license issued by the Illinois Department of Human Services, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

- Recreational Vehicle:** Every vehicle designed for temporary living quarters, or recreation such as but not limited to, boats, campers, snowmobiles, jet skis, and motor homes.
- Recycling Facility:** A building used for the collection or processing of recyclable material. "Processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.
- Recycling Drop-Off Facility:** The use of a building or land in which recyclable paper, plastic, glass, metal food/beverage containers and other household recyclable materials are collected without compensation to the individual providing the recyclable materials. Typically, a recycling drop-off facility is an unmanned bin or unit located within a parking lot of a commercial business.
- Regulating Plan:** The official map that designates the building envelope standard for each parcel or site within the Form Districts. The regulating plan also shows how each site relates to adjacent street-spaces, the overall Heart of Peoria, and the surrounding neighborhoods.
- Rehab Facilities:** A building or portion thereof where a group of persons are admitted for periods of more than one day for the primary purpose of taking a program of physical rehabilitation.
- Replacement Cost:** The cost to build a structure which has been destroyed or partially destroyed with a new structure which conforms to modern building standards and which is otherwise substantially similar to the structure which was destroyed or partially destroyed. Calculation of the replacement cost shall be based on the most current Building Valuation Data Report as published in the most current copy of BOCA--The Building Official and Code Administration Magazine.
- Required Building Line (RBL):** A line/plane indicated on the regulating plan, defining the street frontage which extends vertically and generally parallel to the street, at which the building façade shall be placed. The required building line for each site is shown on the Form District regulating plans.
- Residential District or Zone:** Any one or all of the, R1, R2, R3, R4, R6, R7, or R8 districts.
- Residential Treatment Facility:** A licensed inpatient treatment facility for alcoholism and other drug dependency, sub-acute inpatient treatment, clinically managed or medically monitored detoxification, and residential extended care authorized by a license.
- Residential Use:** For the purposes of the Form Districts, residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.6, Use Categories.
- Retaining Wall:** A wall designed to resist the lateral displacement of soil or other material. Retaining walls are limited to three feet in height measured from the base of the wall to the top of the wall. The wall top must follow an established grade and cannot protrude above the established grade.
- Right-of-way:** An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines.)
- Roof Line:** This shall mean either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- Rooming House:** Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a "rooming house."
- Sanitary Sewer:** A constructed conduit connected with the Greater Peoria Sanitary District Sewer System or with a treatment plant for the carrying of liquids and solids other than storm or ground waters.
- School for the Arts:** An institution for the teaching of children or adults including dance, art, martial arts, music, photographic studio or classroom and other similar facilities.
- Setback:** The minimum distance maintained between a street right-of-way or property line and the nearest supporting member of any structure on the lot.

- Shade Tree:** A deciduous plant which generally creates a tall and wide overhead canopy under natural growing conditions. Shade trees will usually have a single trunk. Such plants will shed their leaves and are dormant during winter.
- Shopfront:** Street-facing façade area of a commercial building, typically with large display windows, below the floor plane of the second floor.
- Short Form Complaint:** Standard form "ticket" citation or summons form adopted by the Zoning Administrator which conforms to the rules of the Illinois Supreme Court.
- Shrub:** A woody plant with several low branching stems instead of a single trunk.
- Sidewalk:** A facility constructed for pedestrian circulation that closely parallels a public or private street.
- Sidewing:** The portion of a building extending along a side lot line toward the alley or rear of the lot.
- Sight Triangle:** The imaginary triangular area formed at a street corner by projecting the curb lines of the two intersecting streets to where the two projected lines would cross. From that intersecting point one measures 25 feet back along both curbs and then the two end points are then connected. Within this imaginary triangle, no visual obstructions taller than three feet are allowed.
- Sign:** Any device, display or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter depicted on the device, display or structures, to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes (but is not limited to) any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions, and patterns.
- Sign, Blade:** A small, pedestrian-oriented sign that projects perpendicularly from a structure or is hung beneath an awning/overhang.
- Sign, Can/Cabinet:** A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.
- Sign, Monument:** A freestanding sign where the base of the sign structure is affixed to the ground.
- Sign, Open Channel Letter:** A sign composed of channel letters that have no face and, if illuminated, with the light source visible.
- Sign, Push-Through Letter:** A sign composed of letters or logos cut out of a backing material that is as thick or thicker than the sign face material, and mounted on the inside of the sign face so that the backing material's thickness extends flush with or through and beyond the front plane of the sign face.
- Sign, Raceway:** A sign where channel letters are mounted to a raceway that contains the electrical components of the sign such as wires and transformers.
- Single-Family Attached Structure:** A group of two or more dwelling units attached by a wall, which is one or more stories in height, with each dwelling unit accessible by its own separate exterior entrance at grade level.
- Single-Family Detached Structure:** A freestanding single-family dwelling unit.
- Single Family District Multiple Family Dwelling:** A structure, located in a single family zoning district, which has the physical arrangement and continuous use of multiple dwelling units prior to January 1, 1963, subject to conditions that: 1) The number of units not increase from the number established prior to January 1, 1963; 2) The average size for dwelling units be 1,100 square feet and the minimum size of the structure be three thousand (3,000) square feet; 3) the provision of two (2) off street parking spaces per dwelling unit, 4) The structure maintains its original architectural character and is not enlarged; and 5) the property be located in the Local Historic District.
- Single Room Occupancy:** A residential property that includes multiple single room dwelling units. Each unit is for occupancy by primarily one individual but not more than two individuals. The unit need not, but may contain food preparation or sanitary facilities, or both. Units are not for lease by the general public

- but for certain qualified individuals. The property may or may not have on or off site supportive services as a condition of residency.
- Site Plan Review Board: An administrative body reflecting representation from the departments of Planning, Zoning Administration, Public Works, Traffic Engineering, Police, Fire, and Inspections.
- Small Wind Energy Conversion Systems (SWECS): An end-user wind energy conversion system consisting of a wind turbine, a tower, and associated controls or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.
- Sound: An oscillation in pressure in air.
- Sound Pressure Level: In decibels, 20 times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 20 microneutons per square meter.
- Square: See "Civic Green" and 6.8 Streetscape Standards.
- Standoff Stud: Sign hardware designed to position the sign away from the building façade to accommodate interior illumination.
- Stoop: An entry platform on the street side of a building. Stoops may be roofed, but they shall not be enclosed.
- Storefront: Street-facing façade area below the floor plane of the second floor.
- Storm Sewer: A constructed conduit for carrying storm waters to a drainage course.
- Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which at least two opposite exterior walls are not more than two feet above the floor of such story. See also "Attic Story."
- Streams: Perennial or intermittent watercourses identified on the official Stream Buffer Ordinance Map as amended periodically by site inspection.
- Streamer: A temporary sign, constructed of lightweight plastic, canvas, fabric, or other temporary material, designed to move in the wind, attached to a pole or standard or wall mounted, usually an elongated rectangle, and intended for a limited period of display.
- Stream Channel: Part of a water course, as measured from top of stream bank to top of stream bank, either naturally or artificially created which contains an intermittent or perennial base flow of stormwater and/or groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:
- Hydrophytic vegetation, hydric soil or other hydrologic indicators in the area(s) where groundwater enters the stream channel, in the vicinity of the stream headwaters, channel bed or channel banks;
 - Flowing water not directly related to a specific storm event;
 - Historical records of a local high groundwater table, such as well and stream gauge records.
- Stream order: A classification system for streams based on stream hierarchy. The smaller the stream, the lower its numerical classification. For example, a first order stream does not have tributaries and normally originates from springs and/or seeps. At the confluence of two first order streams, a second order stream begins, and so on.



Stream System: A stream channel together with one or both of the following:

- One-hundred year floodplain and/or
- Hydrologically-related wetlands

Street: A thoroughfare which affords the principal means of access to abutting property.

Street Frontage: The lot line coincident with the required building line or that portion of the building that is coincident with the required building line as required by this development code.

Street Hardware: Objects other than buildings, structures, and plantings, located in streets and public ways and outside of buildings. Examples are lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

Street Tree: Trees strategically planted—usually in tree lawns, parkway strips, medians, or along streets—to define the streetspace and to enhance the visual quality of a street. Street trees shall be of a proven hardy and drought tolerant species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded. See 6.8.3 Streetscape Standards and 6.8.5 Form District Tree List.

Street Tree Alignment Line: A line along which street trees are to be planted and street lights and other such infrastructure are to be placed. The street tree alignment line is parallel with the street or square right of way and, unless otherwise specified in the regulating plan, is three (3) feet behind the face of the curb. (Existing trees are not required to be relocated by this requirement.)

Streetscape: The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Streetspace: Streetspace includes all the space between fronting required building lines (streets, squares, pedestrian pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or alleys.

Street Wall: A masonry or masonry and metal wall set back not more than eight inches from the required building line or adjacent building façade and built to the height specified in the building envelope standards, which is used to define the streetspace. See Section 6.6.6.

String Pennant: A temporary sign, constructed of lightweight plastic, canvas, fabric, or other temporary material, suspended from a rope, wire, or string, in a series, designed to move in the wind, and intended for a limited period of display.

Stringcourse: A decorative horizontal band or molding set in the face of a building

Structural Alterations: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, swimming pools, and signs, but shall not include fences.

- Subdivider:** Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or another.
- Subdivision:** The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that division of land which may be ordered or approved by a court or affected by testamentary or intestate provisions, or a division of land into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing the land subdivided. The term shall also to any development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, it being the intent of this ordinance to apply to all types of development, within the City of Peoria. Development of an existing parcel with one single-family unit or one duplex will not necessitate additional plan review.
- Temporary Use:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and does not involve the construction or alteration of any permanent structure.
- Terrace:** A raised level space or platform of earth, supported on one or more sides by a wall or bank of vegetative ground cover, and used either for cultivation or for a promenade. Terracing is used in a stair-step fashion on steep slopes to prevent erosion and provide additional space for plantings or outdoor activity areas. A terrace wall may not exceed three feet in height measured from the base of the wall to the top of the wall. The wall top must follow an established grade and cannot protrude above the established grade.
- Thoroughfare:** A major street passing through a busy business and/or commercial area and identified as a thoroughfare on the Official Thoroughfare Plan of the City of Peoria. A thoroughfare is characterized by lots whose rear yards abut a residential district.
- Thoroughfare Plan:** The official thoroughfare plan of the City of Peoria and is on file in the Planning and Growth Management and the City Clerk's office.
- Top of Bank:** The topmost part of a stream bank with a noticeable change in grade or slope.
- "Title loan":** A loan wherein, at commencement, a borrower provides to the lender, as security for the loan, physical possession of the obligor's title to a motor vehicle, a boat, or any other personal property but does not create a purchase money security interest pursuant to 815 ILCS Section 5/9-103.
- Title Loan Business(es):** Any person or entity, including any affiliate or subsidiary of a lender or licensee, that as its primary business offers or makes a Title Loan, buys a whole or partial interest in a Title Loan, arrange a Title Loan for a third party, or acts as an agent for a third party in making a Title Loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party and/or who holds itself out to the public as a title loan establishment. This definition does not include: State or National banks, Trust Companies, Savings & Loan Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, or Credit Unions
- Townhouse:** A group or row of three or more, but not more than six attached single-family dwelling units extending from the basement to the roof and facing upon a street or place as herein defined.
- Traffic Impact Analysis:** A study and analysis of how a given use, plan or development, will affect traffic flows (vehicular and pedestrian) in the surrounding area. Analysis shall include, but not be limited to, the amount of vehicles generated to and from the site, additional traffic volumes on surrounding roadway network, traffic capacity calculations, pedestrian safety, pedestrian mobility, and truck delivery/maneuvering areas. Analysis is to be made generally for the P.M. peak hour unless otherwise designated by the City Traffic Engineer. The end product of analysis will be to specify which, if any, roadway improvements and/or traffic control improvements are required.

- Trailer:** Every vehicle without motive power in operation designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- Transparent:** Having the property of transmitting light so that bodies situated beyond or behind can be distinctly seen.
- Transitional Buffer Yard:** A landscaped yard which provides increased compatibility between incompatible land uses. See Section 8.2.9.
- Translucent:** Transmitting light but causing sufficient diffusion to prevent perception of distinct images (e.g., glass block and frosted glass.)
- Tree:** A woody perennial plant typically attaining an overall height of 15 feet or more, usually with a main stem or trunk (or multi-stem clump) which develops many branches, usually at some height above the ground.
- Tree, Intermediate:** A tree with an unmaintained average mature height of less than 30 feet.
- Tree Lawn:** That section of the public right-of-way located between the street curb and the public sidewalk.
- Underlying District:** See District, Underlying.
- Upper Façade:** Above the storefront. Displays the structure's essential architectural style.
- Use, Change of:** The replacement of an existing use on any portion of a parcel, by a new use, or a change in the nature of an existing use, but does not include a change of ownership, tenancy, or management associated with a use in which the previous nature of the use remains substantially unchanged. A change in use from a vacant structure to an occupied structure shall be considered a Change of Use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last legally established use of the vacant structure provided that the vacancy has not occurred for a period of more than 12 consecutive months.
- Use, Expansion of:** An increase in the gross floor area or parking area/lot of an existing use or the addition of an accessory or temporary use to an existing use.
- Use, Illegal:** Any use of land, building, or structure which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.
- Use, Nonconforming:** Any use of land, building, or structures which complied with applicable laws when established but does not conform to the provisions of this Ordinance.
- Use, Permitted:** Any building, structure, or use which complies with the applicable regulation of the ordinance governing permitted uses in the zoning districts in which such building, structure or use is located.
- Use, Primary:** The main use of the land, building or structure as distinguished from a subordinate or accessory use.
- Use, Special:** Any building, structure or use which on or after the effective date of this ordinance complies with the applicable regulations governing special uses in the zoning districts in which such building, structure, or use is located.
- Utilities:** All storm sewers, sanitary sewers, gas mains, water lines, electrical lines, telephone lines, cable television lines, and similar facilities.
- Utility Structures:** Any above-ground structure that has as its primary function to assist as a support device or to directly receive or transmit materials, signals, currents, or information to or from a utility that provides an essential public service such as but not limited to electric, gas telephone, or cable television.
- Variation:** A relaxation of the terms of the ordinance with respect to a specific zoning lot or group of lots where such variation is consistent with the standards set forth in Article 2.

- Variation, Major:** All variations authorized by this ordinance which are not minor variations shall be considered major variations. Any variation request of transitional buffer yard requirements shall be considered a major variation.
- Variation, Minor:** Minor variations are variations from height, yard (with the exception of transitional buffer yard requirements), bulk, lot area, and fence height provisions of this ordinance that are less than twenty percent (20%) of the required standard. (For example, a variation from a required 20 foot yard setback in an amount of less than 4 feet is a minor variation, while a variation from a required 20 foot setback in an amount of 4 feet or more is not a minor variation.) No minor variations shall be allowed in the Form Districts.
- Vehicle:** Every device, in, upon or by which any person or property is or may be transported or drawn upon, except devices moved by human power.
- Visitor:** Any individual present at the site of the home occupation or commercial reasons related to the home occupation other than actual residents of the dwelling unit, governmental officials and employees. The term shall include clients, patrons, pupils, suppliers, sales persons, delivery persons, etc.
- Voluntary Abandonment of Nonconforming Use:** Any cessation or interruption of a legal nonconforming use which is not necessitated by litigation, or a dispute over the right to possession of property. Any such interruption shall be considered voluntary unless the parties make a good faith effort to promptly resolve the dispute or terminate the litigation. However, any structure originally designed and intended for multiple dwelling units may have its use continued provided the original structure has not been altered to diminish the original number of dwelling units and the owner can show evidence of continuous use. Additional units cannot be added to the original design.
- Walkway:** A facility designed for intradevelopment or interdevelopment pedestrian circulation that may or may not be of a hard surface material.
- Watershed:** The specific land area that drains water into a stream, river system, or other body of water.
- Wetland:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions.
- Where Clearly Visible from the Street-Space:** Many requirements of the Form Districts apply only where the subject is "clearly visible from the street-space." Note that the definition of street-space includes squares, civic greens, parks, and all public space except alleys. A building element more than 30 feet from the street-space (such as elements facing a common lot line more than 30 feet away from a street) is by definition not clearly visible from the street-space. Also common and/or party walls are by definition not clearly visible from the street-space.
- Window:** An opening in the wall of a building that is made of transparent material.
- Window, Clerestory / Transom:** Windows located above display windows.
- Window, Display:** A window of a storefront; used to display merchandise for sale.
- Yard:** An existing or required open space on the same lot with a principal building, and lying along the adjoining lot lines, open, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of the front yard or the depth of the rear yard, the mean horizontal distance between the lot line and the principal building shall be used.
- Yard, Front:** The minimum horizontal distance between the property line and any buildings, or any projection thereof, other than the projection of the usual steps, front porch, stoop or entrance way and extending for the full width of the lot.
- Yard, Corner Side:** The minimum yard required on corner lots between any building and the property line adjacent to the street upon which the principal building does not front. This yard may be observed only when other lots with frontage on this side of the street in the same block do not have, nor have the ability to have, a principal building fronting this street.

Yard, Rear: A space, unoccupied, except by a building of [or] accessory use as herein provided extending for the full width of the lot between the area lot line and the extreme rear line of the principal building. On corner lots, the rear yards shall be considered as parallel to the street upon which the principal structure faces. On interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side: A yard between any building and the side line of the lot and extending from the front lot line to the rear lot line.

Zoning Administrator: The Director of Planning and Growth Management for the City of Peoria or his/her designee(s); he/she shall exercise the authority and perform the duties of Zoning Administrator as defined in Article 2.1.2 of this ordinance.

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

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

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

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

Zoning Map: A delineation of the boundaries of areas or divisions of the city for the purpose of regulating, limiting and determining the height and bulk of buildings, the intensity of the use of lot area, the areas of open spaces about the surrounding buildings for the purpose of classifying, regulating and restricting the location of trades and industries, and buildings designed for specified industrial, business and residential uses, and which map is attested to and is on file in the office of the city clerk.

(Ordinance No. 16,256, § 1, 03-25-08; Ordinance No. 16,365, § 1, 11-25-08; Ordinance No. 16,399, § 1, 02-24-09; Ordinance No. 16,521, § 1, 01-12-10; Ordinance No. 16,523 § 1, 01-26-10; Ordinance No. 16,527 § 1, 01-26-10; Ordinance No. 16,572 § 1, 04-08-10; Ordinance No. 16,575 § 1, 06-22-10; Ordinance No. 16,600 § 1, 08-24-10; Ordinance No. 16,606, § 1, 09-14-10; Ordinance No. 16,609, § 1, 09-28-10; Ordinance No. 16,619, § 1, 10-26-10; Ordinance No. 16,654, § 1, 01-25-11)