

City of Peoria

# 2011 Annual Zoning Commission Report

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## Table of Contents

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Section 1: The Relationship of the Zoning Ordinance to the Comprehensive Plan .....	3
Section 2: Text Amendments .....	3
Section 3: Zoning Case Comparisons .....	4
Section 4: Trends – Concurrence with Staff Recommendations .....	5
Section 5: Trends – Variations, Waivers, and Deferrals .....	5
Section 6: Enforcement of the Codes .....	7
Section 7: Recommendations .....	8

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

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The Comprehensive Plan was updated and adopted on April 12, 2011. This document provides goals and strategies identified as Critical Success Factors to guide the City's growth and redevelopment. The eight Critical Success Factors, which Staff references to support their conclusions and recommendations include:

- Reduce Crime
- Improve District 150
- Grow Employers & Jobs
- Invest in our Infrastructure & Transportation
- Support Sustainability
- Reinvest in Neighborhoods
- Keep Taxes & Fees Competitive
- Have an Efficient Government

The future land use designation is also included in all Staff reports and recommendations for land use requests.

## Section 2: Text Amendments

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- Temporary Inflatable Signs
  - This amendment allowed one inflatable sign in conjunction with a business grand opening. Prior to the amendment, inflatable signs were only permitted through the Special Use process.
- Fees
  - Increased application and development approval fees for the Zoning Board of Appeals, Zoning Commission, and Planning Commission, fence and sign applications, and enforcement penalties.
- Various Text Changes to Improve Clarity
  - The following items were amended to convey clearer requirements of the Codes, improve review processes, and provide better customer service:
    - a. Accessory Structures
    - b. Enterprise Zones
    - c. Zoning Certificates
    - d. Outdoor Storage and Display
- Signs
  - Revised to allow off-premise sign extensions and require temporary event signs to be removed within seven days after the conclusion of the event.
- Front Yard Fences
  - This amendment prohibited new fences within the front yard of a property.

# 2011 Annual Zoning Commission Report

## Section 3: Zoning Case Comparisons

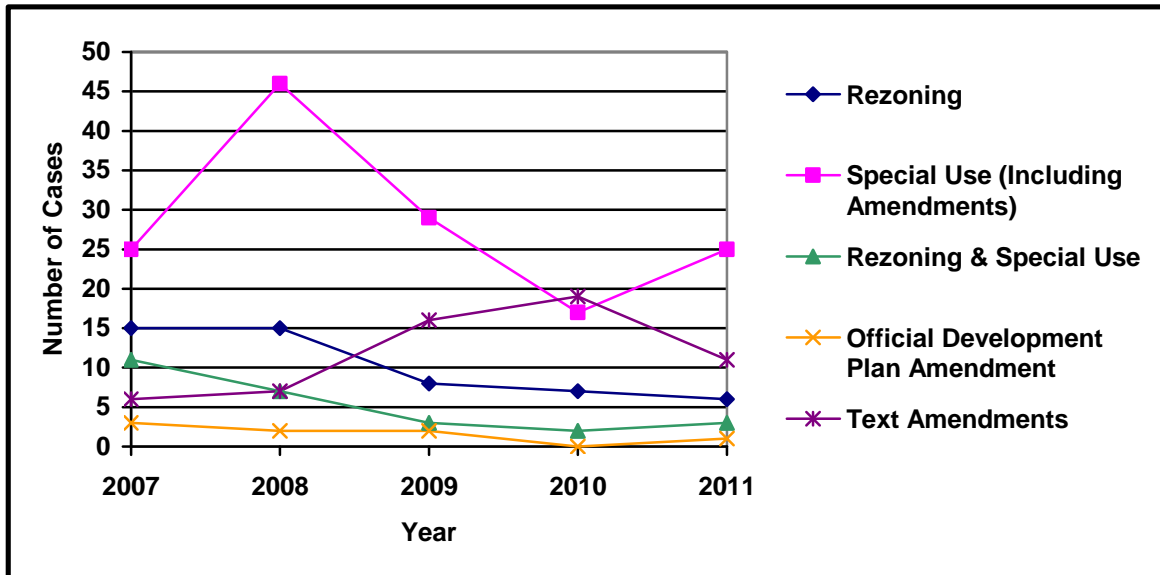
The following table and graph illustrate the number of Zoning Commission cases, by type, between 2007 and 2011. The average number of cases for each type is also calculated as a means of comparison.

The number of cases in 2011 increased for the first time in three years. The most notable change was a 47 percent increase in the number applications for Special Uses, which includes both new Special Uses and amendments to existing Special Uses. Conversely, text amendments noted the greatest decrease of 39 percent from 2010.

Table 1: 2007 to 2011 Case Comparison

Type	2007	2008	2009	2010	2011	Change 2010-2011	Average
Rezoning	15	15	8	7	6	-1	10.2
Special Use (including amendments)	25	46	29	17	25	+8	28.4
Rezoning & Special Use	11	7	3	2	3	+1	5.2
Official Development Plan Amendment	3	2	2	0	1	+1	1.6
Text Amendment	6	7	16	18	11	-7	11.6
Total	60	77	58	44	46	+2	57.0

Graph: Zoning Case Comparison



The bar line graph above illustrates the fluctuating case load from 2007 to 2011. Special Use applications experienced the greatest change. Rezoning, combination rezoning and Special Use, and amendments to Official Development Plans experienced slight change.

# 2011 Annual Zoning Commission Report

## Section 4: Trends – Concurrence with Staff Recommendations

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

Table 2: Consistency of Recommendations

Year	Consistent with Staff		Inconsistent with Staff	
	# of Cases	Percent	# of Cases	Percent
2007	55	92%	5	8%
2008	64	83%	13	17%
2009	50	86%	8	14%
2010	33	79%	9	21%
2011	36	84%	7	16%

Analysis of 2007 to 2011 data showed that a majority of the Zoning Commission's recommendations were consistent with Staff's recommendations. The consistency of recommendations increased from 79 percent in 2010 to 84 percent in 2011.

## Section 5: Trends – Variations, Waivers, and Deferrals

### Variations

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

The following tables summarize variances which were approved and variances which were denied during 2011.

Table 3: Approved Variances

Type of Variance	Number of Requests	Specific Issues
Setback	3	<ul style="list-style-type: none"><li>Reduced the front yard setback from 15 ft. to 6 ft.</li><li>Reduced the front yard setback from 20 ft. to 2 ft.</li><li>Reduced the front yard setback from 25 ft. to 12 ft.</li></ul>
Sign	1	<ul style="list-style-type: none"><li>Increased the maximum sign area from 70 sq. ft. to 158 sq. ft. and sign height from 25 ft. to 35 ft. for a free standing sign.</li></ul>
Fence	1	<ul style="list-style-type: none"><li>Approved a fence located within a transitional buffer yard.</li></ul>
Building Height	1	<ul style="list-style-type: none"><li>Increased the building height from 35 ft. to 42 ft.</li></ul>

## 2011 Annual Zoning Commission Report

Parking	1	• Decreased the minimum number of required parking spaces from 34 to 30.
Retaining Wall	2	• Increased the height of the retaining wall from 3 ft. to 25 ft. • Increased the height of the retaining wall from 3 ft. to 6.4 ft.
Accessory Structure	1	• Approved two accessory structures on one lot.
Transitional Buffer Yard	2	• Reduced the transitional buffer yard from 21 ft. to 0 ft. in width. • Reduced the transitional buffer yard from 16 ft. to 5 ft. in width.
TOTAL	12	

Table 4: Denied Variances

Type of Variance	Number of Cases	Specific Issue
Retaining Wall	1	• Height of retaining wall to exceed three feet.
TOTAL	1	

Similar to previous years, reductions in yard setbacks are the most common type of variance requested. Shape or size of the lot is the most commonly cited hardship for the variances.

### Waivers

Waivers are requested as conditions of approval through the Special Use process and receive final review by the City Council. Like variances, if certain waivers are requested and approved more frequently than others, the Zoning Ordinance may need further study or modification. The following list summarizes the types of waivers requested and approved by the City Council in 2011.

- Front yard, side yard, and rear yard setbacks
- Freestanding sign size, height and setback
- Separation between off-premise freestanding signs
- Landscaping requirements for front yard and parking lot
- Number of parking spaces
- Transitional buffer yard requirements
- Increase in building height
- Development standards in the Land Development Code for building design and site layout

The majority of waivers granted involved yard setbacks and development standards of the Land Development Code. It is important to note that the waivers granted of the Land Development Code were for one property.

### Deferrals

The total number of case deferrals decreased 53 percent from 2010 to 2011 as illustrated in Table 5 below. The greatest decrease is seen with the Zoning Commission, which saw a 75 percent reduction in the number requests to defer.

# 2011 Annual Zoning Commission Report

Table 5: Deferrals

Year	Number of Deferrals Requested By			Total
	Petitioner	Zoning Commission	Staff	
2007	6	2	3	11
2008	12	6	1	19
2009	9	5	4	18
2010	4	8	3	15
2011	1	2	4	7

While some deferrals are necessary to allow additional time to resolve identified issues, the impact of any deferral may negatively affect the public's opportunity and ability to give input and comments. Excessive deferrals may also discourage the public from taking the time and effort to attend meetings with the perception that their comments are not important.

## Section 6: Enforcement of the Codes

Understanding which violations are most commonly reported can reflect on the effectiveness of the Codes and provide direction for Staff and the Commission of potential problem issues needing further review.

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

Table 6: Zoning Violations by type

Zoning Violation by Type	2010	2011
Storage	70	78
Sign	49	65
Other	47	51
Home Occupation	34	48
Parking	75	45
Fence	42	32
Use Violation	28	27
Work without a Zoning Certificate	22	25
Group Occupancy	14	21
Multiple Violations	16	9
<b>Total Zoning Enforcement Violations</b>	<b>397</b>	<b>401</b>

Complaints for storage of accessory vehicles and signs were most common in 2011. In September 2011, Staff conducted a city-wide inspection of temporary signs violations. This may account for the increase in violations from 2010. A policy session is planned for 2012 to review current sign regulations and ensure that the regulations are serving the needs and the goals of the City.

## Section 7: Recommendations

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

- Engage the Zoning Commission in a thorough review and discussion on various regulations and approval processes that may arise through the upcoming City-wide structural changes.