

**PEORIA HEIGHTS
1970
ZONING ORDINANCE
AS AMENDED**

JUNE, 1993

MAY, 1996

AND

**FEBRUARY, 2007
SECTION 5.4 YARDS**

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The Zoning Ordinance #740 passed and approved by the President and the Board of Trustees of the Village of Peoria Heights on the 7th day of September, 1948, as subsequently amended, be and the same is hereby amended to read as follows:

Section 1.

Title

This Ordinance shall be known and may be cited as the “Peoria Heights Zoning Ordinance”.

Section 2.

Purpose

The zoning regulations and standards herein adopted and established have been made for the purpose of:

- (a) **securing adequate light, pure air and safety from fire and other dangers;**
- (b) **conserving the value of land, buildings and structures throughout the Village;**
- (c) **lessening and avoiding congestion in the public streets;**
- (d) **lessening and avoiding hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;**
- (e) **promoting the public health, safety, comfort, morals and general welfare;**
- (f) **regulation and limiting the height and bulk of buildings and structures hereafter to be erected;**
- (g) **establishing, regulating and limiting the building or setback lines on or along any street, traffic-way, drive, parkway or storm or flood water runoff channel or basin;**
- (h) **regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures;**
- (i) **classifying, regulating, and restricting the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, commercial, residential and other uses;**
- (j) **dividing the entire Village into districts of such number, shape, area and such different classes according to the use of land buildings and structures, intensity of the use of lot area, area of open spaces and other classification as may be deemed best suited to carry out the purposes of this Ordinance;**

- (k) **fixing regulations and standard to which buildings, structures, or uses therein shall conform;**
- (l) **prohibiting uses, buildings, or structures incompatible with the character of such districts, and**
- (m) **preventing additions to the alteration or remodeling of existing buildings, structures or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance.**

Section 3.

Definitions

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this Ordinance shall be construed to have its usual legal definition.

The present tense includes the future tense.

The masculine gender includes the feminine and the neuter.

The singular number includes the plural, and vice versa.

The word “shall” is always mandatory; the word “may” is always permissive.

The word “person” includes a partnership, association, firm, trust, club, company or corporation, as well as, the individual.

The word “used” or “occupied” or “located” as applied to any land, building, use, structure or premises shall be construed to include the words “intended, arranged or designed to be used or occupied or located”.

The word “lot” shall include the words “plot” or “parcel”.

The word “village” shall mean the Village of Peoria Heights, Illinois.

The word “board” shall mean the Zoning Board of appeals of the Village.

The words “Planning Commission” shall mean the “Planning Commission of the Village”.

The word “engineer” shall mean the person or firm retained as engineer by the Village.

The words “governing body” shall mean the Board of Trustees of the Village.

ACCESSORY STRUCTURE: A structure, the size of which exceeds twenty-five (25) square feet, on the same lot with the main or principal structure, or the main or principal use, and subordinate to and used for purposes customarily incidental to the main or principal use. The accessory structure may or may not be permanently affixed to the surface of the ground.

ACCESSORY USE: A use on the same lot with, incidental and subordinate to the main or principal use or the main or principal structure.

ALLEY: A permanent service right-of-way, which affords only a secondary means of access to property abutting such right-of-way and is not intended for general traffic circulation.

AREA, BUILDING: The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps, or awnings, marquees and non-permanent canopies and planters.

AREA, FLOOR: The sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor areas not devoted to residential use, but including the area of walled-in and roofed porches and terraces. All dimensions shall be measured between exterior faces of walls.

AREA, FLOOR, HABITABLE: The sum of the horizontal areas of all rooms in a building used for habitation, such as living room, dining room, kitchen, bedroom, bathroom or closet, but not including hallways, stairways, service rooms or utility rooms, not unheated rooms such as enclosed porches, not rooms without at least one (1) window or skylight opening onto a yard or court, measured between the interior faces of walls.

AREA, LOT: The total area within the lot lines.

BASEMENT: A story having part but not more than one-half (1/2) its height below grade.

BLOCK FACE: Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area or other definite boundary.

BOARDING HOUSE: A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are provided within such boarding house to the residents of the lodging units.

BUILDING: An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

BUILDING, MAIN OR PRINCIPAL: The building in which is conducted the main or principal use of the lot on which it is located.

CELLAR: A story having less than one-half (1/2) of its height above grade.

COURT: An open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by, but is not enclosed by, the walls of such building.

COVERAGE: The percentage of the lot area covered by the building area.

CURB LEVEL: The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established the curb level shall be the average elevation of the land surface taken along the street right-of-way line between the points of intersection of the right-of-way line and the lot lines.

DWELLING: A building designed for residential living purposes and containing one (1) or more dwelling units and/or lodging units.

DWELLING UNIT: One (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and not more than two (2) roomers or boarders, and which contain a stove, sink and other kitchen facilities.

DWELLING, SINGLE FAMILY: A dwelling containing one (1) dwelling unit.

DWELLING, TWO (2) FAMILY: A dwelling containing two (2) dwelling units with one (1) dwelling unit arranged on the story or stories above the other dwelling unit.

DWELLING, MULTI-FAMILY: A dwelling containing three (3) or more dwelling units.

DWELLING, GROUP: A group of two (2) or more single family, a two (2) family, or multi-family dwellings in whatever combination, occupying a lot or lots in one (1) ownership.

FAMILY:

- (a) **an individual; or**
- (b) **two (2) or more persons related by blood, marriage, or adoption; or**
- (c) **maximum of five (5) persons not so related; together with his or their domestic servants and gratuitous guests maintaining common household in a dwelling unit or lodging unit.**

GARAGE, PUBLIC: A building in which, for compensation, one (1) or more vehicles are parked.

GRADE: The average of the elevations of the surface of the ground measured at all corners of a building.

HEIGHT: The vertical measurement from grade to a point midway between the highest and lowest points of the roof of a building or the vertical measurement from the average level of the surface of the ground immediately surrounding a structure to the upper-most portion of such structure.

HOME OCCUPATION: An accessory use of a service character customarily conducted within a dwelling, which is clearly incidental and secondary to the use of the dwelling for living

purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a sign as provided in Section 6.1 hereof. The occupation must conform to the following additional conditions:

- (1) **it must be carried on solely by the members of the family who are residing on the premises;**
- (2) **the total floor area devoted to such use shall not exceed twenty-five (25%) percent of the area of one (1) floor of the dwelling, shall be located only in the dwelling and shall not be located in any structure accessory thereto nor in open;**
- (3) **no article is sold or offered for sale except such as may be produced on the premises;**
- (4) **no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.**

Home Occupation shall not include dancing instruction, group musical instruction, tea rooms, tourist home, beauty shops, real estate offices, insurance offices, investment offices, the repair or servicing of automotive vehicles or the conduct of any other trade or business not herein excepted.

HOTEL: A building containing separate accommodations for use by primarily transient persons. A hotel may contain restaurants, barber shops and other accessory services for serving primarily its residents and only incidentally the public.

JUNK YARD: A lot, land, building or structure, or part thereof used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

KENNEL: The keeping or housing of three (3) or more dogs six (6) months old or older, either as an accessory use or a principal use. Any kennel shall be within a completely enclosed building, or if outdoor runs are provided, they shall be completely enclosed by a woven wire fencing, solid fence or wall. A kennel or any part thereof shall not be located in any front or side yard, not within five (5) feet of any side or rear lot line in a rear yard.

LODGING UNIT: One (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and do not contain cooking facilities.

LODGING HOUSE: A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are not provided within such lodging house to the residents of the lodging units.

LOT: The word lot when used along shall mean a zoning lot unless the context of this Ordinance clearly indicated otherwise.

LOT, CORNER: A lot located:

- (a) at the junction of a abutting two (2) or more intersecting streets; or
- (b) at the junction of and abutting a street and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
- (c) at the junction of an abutting two (2) or more storm or floodwater runoff channels or basins; or
- (d) at and abutting the point of abrupt change of a single street where the interior angle is less than one hundred and thirty-five (135) degrees and the radius of the street is less than one hundred (100) feet.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

MASTER PLAN: The complete plan or any of its parts for the development of the Village and adopted by the Governing Body as the official plan.

MOTEL: A building or group of buildings, whether detached, semi-detached or attached, containing accommodations for primarily transient automobile travelers. The term motel includes such buildings designated as tourist courts, tourist cabins, motor lodges and other similar terms.

NON-CONFORMING LOT, STRUCTURE OR USE: A lot, sign, structure or use, which does not conform to the regulations and standards of the district in which it is located.

NURSING OR CONVALESCENT HOME: A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

PARKING LOT: A lot, court, yard or portion thereof used for the parking of vehicles.

PARKING SPACE: A space accessory to a use or structure for the parking of one (1) vehicle, the size of which shall be determined as herein specified.

PLANNED DEVELOPMENT: A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more main or principal structures and is identified to its main or principal use by its functional definition prefix, as dwelling group.

RIGHT-OF-WAY: The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

RINGELMANN CHART: A smoke chart giving shades of gray to which the density of columns of smoke rising from stacks may be compared. Each such shade of gray is categorized according to a Ringelmann number.

SCREEN PLANTING: A vegetative material of sufficient heights and density to filter adequately from view, in adjoining districts, structures and uses on the premises upon which the screen planting is located.

SETBACK LINE: The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on said lot and the nearest street right-of-way line or centering or the nearest shoreline or high water line of a storm or floodwater runoff channel or basin.

SIGN: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental organization or any sign indicating address. Each display surface of a sign shall be considered a sign.

SMOKE UNIT: The emission of smoke of a density of Ringelmann Number 1 for a period of one (1) minute.

SPECIAL USE: A use permitted in a district pursuant to, and in compliance with, procedures specified herein.

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 be no floor above, then the space between any floor and the ceiling next above it.

STREET: A thoroughfare within the right-of-way, which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare or by other appropriate name.

STRUCTURE: Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls, fences, billboards and signs.

STRUCTURE, MAIN OR PRINCIPAL: The structure in or on which is conducted the main or principal use of the lot on which it is located.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or addition of or to a structure the cost of which equals or exceeds ten (10%) percent of the market value of the structure before the improvement is started. It should not, however, include such actions taken to comply with existing State or Local codes or Ordinances or alterations to a structure listed on the National Register of historic Places or the State Inventory of Historic Places.

TOURIST HOME: A dwelling containing the dwelling unit of the owner or operator and containing separate accommodations primarily for transient automobile travelers.

TRAILER COACH OR MOBILE HOME: Any portable or mobile vehicle used for residential living purposes by a family. For the purpose of this Ordinance, such vehicle shall be classified as a trailer coach whether or not its wheels, rollers, skids or other rolling equipment have been removed, or whether or not any addition thereto has been build on the ground.

TRAILER CAMP OR MOBILE HOME PARK: A tract of land meeting the standards established by the county health authorities and by the Illinois State Department of Public Health:

- (a) **Where two (2) or more inhabited trailers coaches are parked, or**
- (b) **Which is used by the public as parking space for two (2) or more inhabited trailer coaches.**

USE: The specific purpose for which land, a structure or premises, is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.

YARD: An open space, other than a court, of uniform width or depth on the same lot with a structure lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward, except, as may be specifically provided by the regulations and standards herein.

YARD, FRONT: A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line or the nearest shoreline or highwater line of a storm or floodwater runoff channel or basin, both such yards shall be classified as front yards. Each yard of a corner lot facing a street right-of-way line or the shoreline or highwater line of a storm or floodwater runoff channel or basin, shall be classified as a front yard.

YARD, REAR: A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

YARD, SIDE: A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the required front yard to the front line of the required rear yard.

ZONING LOT: A single property, parcel, unit tract, plot or otherwise designated portion of land, having metes and bounds, which is designated by its owner or developer as a property, parcel, unit, tract, plot or otherwise designated portion of land which has been sold, or is offered, or will be offered for sale, and is to be used, developed or built upon as a unit under single ownership or control, and which is occupied or capable of being occupied by one (1) or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A zoning lot may or may not coincide with a lot of record.

Section 4.

Districts - Zoning Map

4.1 In order to carry out the purposes and provisions of this Ordinance, the Village of Peoria

Heights, Illinois, is hereby divided into the following districts:

- C Conservation District**
- R-1 Low Density Residential District**
- R-2 Medium Density Residential District**
- R-3 Multiple Family Residential District**
- R-P Planned Residential District**
- B-1 Central Business District**
- B-2 General Retail Business District**
- B-3 Service Business District**
- B-4 Low Impact Industrial District**
- I-1 Industrial District**

4.2 The locations and boundaries of the districts herein established are shown upon the map entitled "Village of Peoria Heights Zoning Map 1970", which with all notations thereon, is hereby made a part of this Ordinance.

4.3 **New or Annexed Land:** Submerged land, any submerged land which may be reclaimed, and land which may be annexed to the Village shall be classified as "C" conservation until such time as the Village Board changes the classification in accordance with provisions of this Ordinance.

4.4 **Zoning of Streets, Alleys, Public Ways and Railroad Rights-of-Way:** All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting. Where the centerline of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, when otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

4.5 **Rules for the Interpretation of DISTRICT Boundaries:**

Where uncertainty exists as to the Boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center-lines of streets or alleys shall be construed to follow such centerlines.**
- (b) Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.**
- (c) Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.**
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.**
- (e) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.**
- (f) Boundaries indicated as parallel to or extensions of features indicated in**

subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

- (g) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections (a) through (f) above, the Board shall interpret the District boundaries.

Section 5.

General Provisions

5.1 **Construction and Use;**

- (a) **No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standard herein specified for the district in which it shall be located.**
- (b) **No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved:**
 - (1) **to exceed the height;**
 - (2) **to occupy or house a greater number of families;**
 - (3) **to occupy a greater percentage of the lot area;**
 - (4) **to exceed the floor area ratio;**
 - (5) **to have smaller or less habitable floor area per dwelling unit or lodging unit;**
 - (6) **to exceed the maximum floor area;**

than hereinafter required or in any manner contrary to regulations and standards of the district in which it is located.

- (c) **In no case other than in planned developments shall there be more than one (1) main or principal structure, or main or principal use on one (1) lot or tract of land.**
- (d) **No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment or construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure.**
- (e) **No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land, which does not abut a public street, or permanent easement of access to a public street. Such easement shall have a minimum width of twenty feet unless an easement of less width was on record prior to the effective date of this Ordinance.**
- (f) **Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this Ordinance, provided that such structure shall be completed within one (1) calendar year from the effective date of this Ordinance.**
- (g) **The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this Ordinance shall apply to all structures, uses, lots, and tracts of land created or established after the effective date of this Ordinance and shall not be deemed to require any**

change in the structures, uses, lots and/or tracts of land lawfully existing on the effective date of this Ordinance except as expressly specified hereinafter.

- (h) The uses permitted in one (1) district shall not be permitted in any other district unless specifically stated.

5.2 **OPEN SPACES:**

- (a) No part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this Ordinance shall be included as part of a yard, buffer strip or other open space, off-street parking or loading berth or lot area similarly required for any other structure or use.
- (b) No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips, or other open spaces, off-street parking spaces or loading berths, or lots created or established after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

5.3 **HEIGHT:**

- (a) The height of any main or principal structure or accessory building may exceed the maximum permitted height by one (1) foot for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure is located.
- (b) Height regulations and standards shall not apply to spires, belfries, penthouses or domes not used for human occupancy not to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles and power silos, and other necessary mechanical appurtenances provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.
- (c) In no event shall any structure exceed fifty-four (54) ft. in height.

All buildings and all main or principal structures shall be positioned on conformation with the setback line regulations and standards specified hereinafter for the district in which they are located.

5.4 **YARDS:**

- (a) Notwithstanding any other provisions of this Ordinance, the minimum yard dimensions specified thereafter shall not be reduced except through action

by the Board.

- (b) Yards shall be kept unobstructed for their entire depth except as specified hereinafter.
- (c) Private driveways, service drives, easements, sidewalks, flagpoles, arbors, trellises, fences, walls, columns, light poles, hydrants, patios, accessory signs, and other decorative recreational, and utility devices and equipment may be placed in any yard.
- (d) Fences, walls and/or hedges may be placed in any yard or along the edge of any yard subject to the following restrictions:
 - (1) Front yard fences shall not be allowed without first receiving approval of the Zoning Board of Appeals. A front yard is defined in Section 3, Definitions. If a front yard fence is approved, the fence shall not exceed four (4) feet in height:
 - (2) Corner lots, as defined in Section 3, Definitions, shall be set back a minimum of ten (10) feet from the property line abutting the street and shall not exceed four (4) feet in height. A corner lot, front or side yard fence, shall not be allowed without first receiving approval of the Zoning Board of Appeals:
 - (3) Interior lots and all rear yard fences shall not exceed six (6) feet in height. An interior lot is any lot in a subdivision that is not a corner lot.
 - (4) That a fence to a height of six (6) feet shall be constructed around any swimming pool of any type either beneath the ground level or above the ground level which now exists or which in the future is constructed and which fence shall have entrances which shall have locks fastened thereto to prevent the entry into the swimming pool enclosed area by unauthorized or uninvited persons. In the event any such fence or pool would necessarily extend beyond the front line of the house on the property of which it is a part, then construction of said fence shall be made only upon obtaining a variance therefore and approval to build the fence from the Zoning Board of Appeals. Persons owning or constructing swimming pools as described above, shall erect the necessary fence and comply with the provisions of this Section within ninety (90) days after the effective date of this amendment.
- (e) Corner Lot Visibility

On a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in an area bounded by the street right-of-way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection. Beyond such fifty (50) foot limits, (d) shall apply.

(f) **Administrative Approval Procedure**

This process is required to obtain a permit from the Zoning Board of Appeals to construct a fence. Any fence to be constructed must meet established conditions as hereinafter set forth in this Subsection.

- (1) **Initiation and Application** Any person owning or having an interest in the subject property may file an application for a fence permit. Such application shall be submitted to the Zoning Board of appeals by filing same with the Village Clerk with a plan of the fence and proof that the fence complies with this Ordinance and requirements herein set forth.
- (2) **Procedure** Upon receiving such application, the Zoning Board of Appeals or its designate shall give notice to property owners within two hundred (200) linear feet on the same street or affected area of the request for a fence permit. The Zoning Board of Appeals shall wait fourteen (14) working days before a final determination is made. When making the final determination, the Zoning Board of Appeals or its designate shall determine its conformity with the standards below. If all the standards are met, a permit can be granted by the Zoning Board of Appeals or its designate. A final decision will be made within thirty (30) days of receipt of a complete application for a fence permit.
- (3) **Standards Required to Obtain a Permit** When determining if a fence will be allowed, the Zoning Board of Appeals or its Administrator shall consider the following:
 - (a) the front yard and corner lot side yard fence does not exceed four (4) feet in height; and
 - (b) the fence shall be at least forty (40) percent open in design; and
 - (c) the input of surrounding property owners and residents; and
 - (d) the proposed fence, considering its placement, height and construction, is compatible with the surrounding neighborhood and will not diminish neighboring properties of their full use and enjoyment; and
 - (e) the proposed fence will not impair safety, welfare, light, air not substantially diminish or impair property values within the neighborhood, not impair natural drainage or create drainage problems on adjacent properties; and
 - (f) the proposed fence shall not alter the established character of the neighborhood; and
 - (g) these standards are applicable to all fence applications as herein set forth. Fences for an interior lot side yard and back yard shall not exceed six (6) feet in height.

5.5 **Exemptions from Regulations and Standards:**

The following structures and uses are exempted from the application of the district regulations and standards and are permitted in any district:

Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, provided that the installation shall conform where applicable with the rules and regulations of the Illinois Commerce Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction. A Zoning permit shall be obtained for any aboveground electric substation or switching station, gas regulator station, water pump station, telephone exchange or similar utility structure.

Section 6.

“C” Conservation District

6.1 **Purpose:** The Conservation District is intended to regulate those land and water areas in the Village lying in or adjacent to the Illinois River, thereby:

- (1) **Protecting the floodway from encroachment by filling, diking or building structures therein and thus decreasing the flood storage or passage capacity of the river or impeding the flow of the water.**
- (2) **Protecting the river from the danger of pollution by establishments in, on or adjacent to the river without adequate, safe sewage disposal facilities.**
- (3) **Preserving the natural beauty of the Illinois River to protect and maintain its function as an enhancement in particular of bordering properties and more generally of the entire Village and the region through which it flows.**
- (4) **Preserving, protecting and enhancing the flora and fauna which make the river their habitat and thus contribute to man's enjoyment of his environment.**

Section 7.

R-1 Low Density Residential District

7.1 **Purpose:** The R-1 Residential District is intended to include those portions of the Village developed predominantly with one (1) family dwellings on individual lots where it is deemed desirable to maintain and encourage this pattern of development, or those undeveloped portions of the Village in which it is deemed desirable to encourage this pattern of predominant land usage and density of population.

7.2 **Permitted Use:** No building or premises shall be used and no building shall be hereafter erected or altered within any R-1 Residential District, unless otherwise provided for in this Ordinance, except for the following uses:

- (1) **One (1) family dwellings**
- (2) **Libraries; public museums**
- (3) **Churches; temples; other places of public worship**
- (4) **Public or private schools offering general instructions between kindergarten and twelfth grade levels; public or private colleges offering courses leading toward associate, baccalaureate or advanced degree in arts or science or comparable recognized degree.**
- (5) **Parks, recreation areas, recreation buildings operated by a unit of government; government buildings but not including storage yards or buildings for the housing of trucks, contractors equipment, poles, pipe, road building materials or similar materials.**

- (6) **Farming, truck gardening, horticultural nurseries, but not including the raising, housing, pasturing or keeping of bees, fowl or livestock within three hundred (300) feet of a lot line.**
- (7) **Temporary buildings, structures and uses incidental to construction on the site, for a period not to exceed one (1) year.**
- (8) **Customary home occupations, but not including the conduct of a retail or wholesale business or manufacture.**
- (9) **Customary accessory uses, including private garages.**
- (10) **One (1) nameplate sign not exceeding one (1) square foot in area, which may include the occupant's name, street address and profession or home occupation if such is conducted on the premises. One (1) sign advertising the sale or rental of the premises, and not exceeding five (5) square feet in area and including the zoning classification may be displayed.**

7.3 **Heights:** No principal building or structure shall hereafter be erected or altered to exceed thirty-five (35) feet in height. No accessory building or structure shall hereafter be erected or altered to exceed seventeen (17) feet in height.

7.4 **Lot Size:** Every building hereafter erected shall be on a lot having an area not less than six thousand (6,000) square feet, a lot width measured along the front setback line of sixty (60) feet and a lot depth of not less than one hundred (100) feet, measured along a line midway between the side lot lines perpendicular to the front lot line; provided, however, that where a lot is smaller than herein required, and was of record at the time of the passage of this Ordinance, said lot may be occupied by not more than one (1) family.

7.5 **Yards:** No principal or accessory building or structure shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection with such buildings or structures.

7.5.1 **Front Yard:** Front yard not less than twenty-five (25) feet in depth, unless forty (40%) percent of more of the frontage is improved with buildings that have observed a greater or less depth of front yard, in which instance, no new buildings or portion thereof shall project beyond a straight line drawn between the point closes to the front property line of the two (2) nearest residences, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet nor to permit a front yard of lesser depth than that of the nearest building. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.

7.5.2 **Side Yard:** A side yard on each side not less than ten (10%) percent of the lot for principal buildings or structures. However, a side of a principal building or structure which occupies two (2) or more lots shall be ten (10%) percent of the total front footage of said lots or six (6) feet, whichever is the lessor. That in the event of damage or destruction of a dwelling by fire, storm or other casualty, said dwelling may be restored with the side yard setback which it originally had without reference to the requirements

set forth in this section.

For accessory buildings or structures located on the rear one-third (1/3) of the lot, a side yard setback of not less than three (3) feet shall be maintained. For accessory buildings or structures located on the front two-thirds (2/3) of the lot, a side yard setback of not less than ten (10%) percent of the lot's width shall be maintained. For accessory buildings or structures located on the front two-thirds (2/3) of the lot, a side yard setback of not less than ten (10%) percent of the lot's width shall be maintained.

7.5.3 **Rear Yard:** A rear yard having a depth of not less than twenty-five (25) feet for principal buildings or structures. For accessory buildings or structures located on the rear one-third (1/3) of the lot, a rear yard of not less than five (5) feet shall be maintained where said rear yard abuts an existing alley; not less than three (3) feet where said rear yard does not abut an existing alley.

7.5.4 **Supplementary Regulations:** On a corner, no fence, hedge, earth terrace, parking facility or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection shall be erected, placed or maintained within the triangular patterns that are formed by the intersection of the lot lines nearest the street intersection and a straight line joining said lot lines at points which are fifteen (15) feet in distance from the point of intersection.

An enclosed one (1) story porch, even though roofed over, may project into a required front, side or rear yard area a distance not to exceed six (6) feet, and shall not be considered in the determination of the size of yards; provided, however, that such porch shall not be closer than four (4) feet at any point to any lot line, and that no building shall have such porches projecting into more than one (1) required side yard; and provided further, that porches on buildings erected prior to the date of adoption of this amendment, extending into a required front yard, shall not be enclosed.

7.6 **Building, Coverage:** No building, with its accessory building, shall occupy in excess of thirty-seven (37%) percent of the area of an interior lot, nor more than forty (40%) percent of the area of a corner lot.

7.7 **Habitable floor Area:** No one (1) story dwelling shall hereafter be erected with a habitable floor area of less than seven hundred and fifty (750) square feet.

No two (2) story dwelling shall hereafter be erected with a habitable floor area of less than thirteen hundred (1,300) square feet.

Section 8.

R-2 Medium Density Residential District

8.1 **Purpose:** The R-2 Medium Density Residential District is intended to include those portions of the Village developed with two (2) family dwellings or with a mixture of one (1) family and two (2) family dwellings.

8.2 **Permitted Uses:** No building or premises shall be used and no building shall be hereafter erected or altered within an R-2 medium Density Residential District, unless otherwise provided for in this Ordinance except for the following uses:

(1) **Any use permitted in the R-1 Residential District.**

(2) **Two (2) family dwellings.**

8.3 **Height:** No building shall hereafter be erected or altered to exceed thirty-five (35) feet in height.

8.4 **Lot Size:** Every one (1) or two (2) family dwelling hereafter erected, and every one (1) family dwelling or other building thereafter converted to a two (2) family dwelling shall be on a lot having an area of not less than six thousand (6,000) square feet.

8.5 **Yards:** No principal or accessory building or structure shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection therewith:

8.5.1 **Front Yard:** A front yard not less than twenty-five (25) feet in depth.

8.5.2 **Side Yard:** A side yard on each side not less than ten (10%) percent of the width of the lot for principal buildings and structures.

For accessory buildings or structures located on the rear one-third (1/3) of the lot, a side yard setback of not less than three (3) feet shall be maintained. For accessory structures or buildings located on the front two-thirds (2/3) of the lot, a side yard setback of not less than ten (10%) percent of the width of the lot shall be maintained.

8.5.3 **Rear Yard:** A rear yard of not less than fifteen (15) feet in depth for principal buildings or structures.

For accessory buildings and structures located on the rear one-third (1/3) of the lot, a rear yard of not less than five (5) feet shall be maintained where said rear yard abuts an existing alley; not less than three (3) feet where said rear yard does not abut an existing alley.

8.6 **Building Coverage:** No building with its accessory buildings shall occupy in excess of forty (40%) percent of the area of an interior lot, nor in excess of fifty (50%) percent of the area of a corner lot.

8.7 **Habitable Floor Area:** No one (1) family dwelling shall hereafter be erected with a habitable floor area of less than seven hundred and fifty (750) square feet.

No two (2) family dwelling shall hereafter be erected and no one (1) family dwelling or other building shall hereafter be converted to a two (2) family dwelling with a habitable floor area less than fifteen hundred (1500) square feet, nor less than seven hundred and fifty (750) square fee in either dwelling unit.

- 8.8 **No Two (2) Family Dwelling:** No two (2) family dwelling hereafter erected or created from an existing establishment shall be permitted unless separate bathroom and kitchen facilities and two (2) separate means of access are provided for each dwelling unit.

Section 9.

R-3 Multiple Family Residential District

- 9.1 **Purpose:** It is the intent of the R-3 Multiple Family Residential District to provide for the continued growth of the Village in total population, since it is completely surrounded by the City of Peoria, through intensifications of density and vertical expansion, but limited in height so that the Heights Water-Observation Tower will continue to be the dominant feature of the landscape.

- 9.2 **Use:** No building or premises shall be used and no building shall be hereafter erected or altered within any R-3 Multiple Family Residential District, unless otherwise provided for in this Ordinance, except for the following uses:
- (1) **Any use permitted in the R-2 Medium Density Residential District subject to the restrictions of that district.**
 - (2) **Multi-family residences; sheltered care homes; nursing homes, subject to the restrictions herein set forth for such users. Upon approval of the board one (1) or more of the following uses may be established clearly incidental to a multi-family residence, sheltered care home or nursing home: restaurant, office of doctor, dental or similar practitioner in the healing arts. Such incidental use shall be allowed only if it is primarily for the use and benefit of the occupants of the principal use.**
- 9.3 **Standards:** Standards to which multi-family residences, sheltered care homes and nursing homes shall comply:
- 9.3.1 **Lot Size:** No multi-family resident, sheltered care home or nursing home shall hereafter be erected, and no existing building shall be converted to any such use unless the lot shall have an area of at least, fifteen thousand (15,000) square feet.
- 9.3.2 **Floor Area Ratio:** Irrespective of the number of floors in a building or a series of buildings on the same lot, the sum of the total area of all floors shall not exceed the area of the lot (FAR 1.0).
- 9.3.3 **Density:** No multi-family residence shall hereafter be erected or altered to accommodate or make provision for more than fifty (50) families on any acre of land, nor make provision for more than a proportional number of families on a fractional part of any acre of land.
- 9.3.4 **Building Height:** No building shall hereafter be erected or altered to exceed fifty-four (54) feet in height (top of any buildings should be kept visually significantly below the top of the Water Tower).
- 9.3.5 **Side Yard:** On each side of the building there shall be a side yard having a width of not less than ten (10%) percent of the width of the lot or one-fifth (1/5) the building heights, whichever is greater.
- 9.3.6 **Rear Yard:** There shall be a rear yard having a depth of not less than fifteen (15%) percent of the lot depth, but not less than ten (10%) feet in depth, or one-third (1/3) the building height, whichever is greater.
- 9.3.7 **Front Yard:** There shall be a front yard along each abutting street having a depth of at least twenty-five (25) feet measured from the right-of-way line.

9.3.8 **Off-Street Parking:** There shall be provided on the same or an adjacent lot, off-street parking for two (2) cars for each dwelling unit in a multi-family residence; one (1) car space for each employee per shift, plus one (1) car space for each four (4) residents' accommodation in a sheltered care home or nursing home. In addition, if one (1) or more incidental uses are permitted by the Zoning Board, off-street parking shall be provided as the Zoning Board deems adequate.

9.3.9 **Site Plan Approval:** Before any permit shall be issued for a multi-family residence, sheltered care home or nursing home in this District, the site plans shall be submitted to the Planning Commission for approval. Such site plans shall show:

- **lot lines;**
- **building placement;**
- **width of bounding streets and type of pavement;**
- **location and size of water lines and sewer lines service the property;**
- **location of off-street parking with access drives;**
- **heights of buildings of parts thereof;**
- **landscaping;**
- **surrounding land uses;**
- **other details as the commission may require in its deliberation.**

In its deliberation, the Planning Commission shall give due consideration to the probable effect the proposal would have on surrounding land uses:

- **the adequacy of existing water and sewer utilities service the site;**
- **the relation of the building height and mass to surrounding structures and to the Water Tower;**
- **the effect the project will have as a traffic generator on streets giving access to the site.**

The Planning Commission may approve the plans as submitted, may approve the plans subject to modification or may disapprove the plans. Its decision in each case shall be in writing, spread upon the minutes of the commission with copies to the applicant, the Building Inspector and the Village Board.

Section 10.

R-P Planned Residential District

- 10.1 **Purpose:** It is the intent and purpose of the R-P Planned Residential District to encourage the total planning of large unsubdivided or undeveloped tracts, rather than lot-by-lot development. Established uses within the District, such as farming, golf courses, parks, large estates or institutional uses would be permitted to continue and to be improved and expanded, it being the intent of these District regulations to provide a framework within which the conversion of such land to residential uses may be

accomplished.

10.2 **Use:** No building or premises shall be used and on building shall be hereafter erected or altered within any R-P Planned Residential District, unless otherwise provided for in this Ordinance, except for the following uses:

- (1) **Farming, truck gardening, horticultural nurseries, but not including the raising, housing, pasturing or keeping of bees, fowl or livestock within three hundred (300) feet of a lot line.**
- (2) **Parks, recreation areas, recreation buildings or operation by a unit of government and nature preserves.**
- (3) **Country clubs, golf courses not conducted as a business or for profit.**
- (4) **Planned unit development, which may consist of individual building sites for one (1) or more of the following:**
 - **one (1) family dwellings,**
 - **two (2) family dwellings,**
 - **row or town houses,**
 - **garden apartments,**
 - **high rise apartments,**
 - **sheltered care facilities,**
 - **nursing homes,**
 - **residential hotel,**
 - **together with common property, such as a park, recreation area, recreation building or facility,**
 - **off-street parking areas or facilities.**

10.3 **Standards for Planned Unit Development:**

10.3.1 **Planned Unit Development:** A Planned Unit development shall be located on a tract having a gross area of at least ten (10) acres.

10.3.2 **Floor Area Ratio:** The total area of all floors in all buildings on the tract shall not exceed zero point eight (0.8) of the gross area of the tract.

10.3.3 **Open Space:** The total area of the open space, including streets, drives, open parking areas, open recreation areas and landscaped areas, shall be at least zero point eighty-five (0.85) times the total floor area. The total area of the open space exclusive of that in streets, drives, and open parking areas shall be at least one-half (1/2) the total floor area.

10.3.4 **Building Height:** No building shall hereafter be erected or altered to exceed fifty-four (54) feet in height.

10.3.5 **Yards and Courts:** Yards and courts shall be provided to assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the buildings and other essential uses. Yard depth shall assure adequate distances

between building walls on the property and on abutting off-site properties. The size, number, and location of courts shall be determined in accordance with the procedures and standards set forth in Sections M307 and M308 of FHA Manual 2600 entitled “Minimum Property Standards for Multi-Family Housing,” which sections are hereby adopted by reference and made a part of this Ordinance. Notwithstanding, yards along the external boundary of the Planned Unit development shall be provided as specified in Sections 9.3.5, 9.3.6, and 9.3.7 of this Ordinance.

10.3.6 **Off-street Parking:** Off-street parking shall be provided at the rate of two (2) spaces for each dwelling unit.

10.3.7 **Site Plan Approval:** Site plan approval of a Planned Unit development shall first be obtained from the Planning Commission. Site plans shall be submitted to the commission for its approval, modification, approval or disapproval. Such plans shall show:

- **lot lines,**
- **building placement and type,**
- **width of bounding streets,**
- **the location and size of all interior streets, drives, parking areas,**
- **height of buildings,**
- **landscaping,**
- **other details as deemed necessary by the Planning Commission to show the complete Planned Unit development.**

In its deliberation, the Planning Commission shall give due consideration to the probable effect the proposal would have on surrounding land uses:

- **the adequacy of existing water and sewer utilities serving the site,**
- **the relation of the building height and mass to surrounding structures and to the Water Tower,**
- **the effect the project will have as a traffic generator on streets giving access to the site.**

The Planning Commission may approve the plans as submitted, may approve the plans subject to modification or may disapprove the plan. Its decision in each case shall be in writing, spread upon the minutes of the Commission with copies to the applicant, the Building Inspector and the Village Board.

Section 11.

B-1 Central Business District

- 11.1 **Purpose:** It is the intent and purpose of this section to provide regulations for the Central Business District extending along Prospect road from Glen Avenue to the railroad to encourage its continued use and development in accordance with the plan adopted by the Village Board.
- 11.2 **Permitted Uses:** No building or premises shall be used and no building shall be hereafter erected or altered within any B-1 Central business District, unless otherwise

provided in this Ordinance, except for the following uses:

- (1) Any use permitted in the R-3 Multi-Family Residential District, subject to the restrictions therefore set forth in Section 9 of this Ordinance.
- (2) Bakeries employing not more than eight (8) persons.
- (3) Banks.
- (4) Barber shops, beauty parlors.
- (5) Business and professional offices.
- (6) Catering establishments.
- (7) Comfort stations.
- (8) Dancing academies.
- (9) Dressmaking establishments employing not more than eight (8) persons.
- (10) Repair shops and services for home appliances, employing not more than eight (8) persons.
- (11) Employment agencies.
- (12) Plumbing shops.
- (13) Hotels.
- (14) Laundries or dry cleaning plants employing not more than eight (8) persons.
- (15) Laboratories.
- (16) Locksmith shops.
- (17) Lodge halls.
- (18) Messenger, telegraph services.
- (19) Millinery shops.
- (20) Painting and decorating shops.
- (21) Photography studios.
- (22) Government offices, post office.
- (23) Printing shops.
- (24) Roofing and plastering shops, with no open storage.
- (25) Restaurants, lunchrooms, cafeterias, places for the sale and consumption of soft drinks, juices, ice cream and beverages, but excluding drive-ins.
- (26) Sharpening or grinding shops.
- (27) Stores and shops for the conduct of retail business.
- (28) Shoe repair shops.
- (29) Studios.
- (30) Tailor shops employing not more than five (5) persons.
- (31) Taverns and liquor stores.
- (32) Telephone exchanges.
- (33) Undertaking establishments.
- (34) Upholstery shops.
- (35) Signs only identifying the business, service or products available on the premises.

No permit for any use listed above shall be issued wherein the proposal includes vehicular access from Prospect Road across the sidewalk thereof, unless and until the Planning Commission has reviewed the proposal and finds:

- (1) that such vehicular access from Prospect Road will not create undue hazards; and
- (2) that such vehicular access from Prospect Road will not adversely effect the development of a unified Central Business District as embodied in plans for the Prospect Road Business District as adopted by the Village Board.

11.3 **Special Uses:** The following uses may be allowed by Special Use Permit upon application to and approval by the governing body.

- (1) **Gasoline and oil stations, public garages; car washes; new or used vehicle rental and/or sales.** All gasoline pumps or appliances for dispensing motor fuel shall be located not less than thirteen (13) feet from the street right-of-way. No banners, flags, pennants, whirligigs or other advertising devices shall be permitted. All products, appliances, parts for sale shall be stored and displayed only within the building or in permanent storage cabinets, the location of which shall be shown on the site plan. No such use shall be approved within three hundred (300) feet of any church or public park. The governing body shall find that the entrances and exits thereto will not create any undue hazard to vehicles or pedestrians, and that the proposal, in its location and development, will enhance and further the carrying out of the duly adopted Village plan for the Prospect Road Business District. Any such establishments shall have adequate off-street car waiting space for the type of establishment involved, and that there will be adequate supervisory personnel on the premises at all times that the establishment is open to the public.
- (2) **Self-service laundries and dry cleaning establishments.** To grant such a use, the governing body shall find that there will be adequate supervisory personnel on the premises at all times that the establishment is open to the public.

11.4 **Heights:** No building, whether a one (1) family, two (2) family or multi-family residence, sheltered care home or nursing home or business building, shall hereafter be erected or altered to exceed fifty-four (54) feet in height.

11.5 **Yards, Courts, Coverage:**

11.5.1 There shall be a rear yard of not less than ten (10%) percent of the depth of the lot provided, however, it need not exceed ten (10) feet in depth.

11.5.2 No side yards are required, but if provided, a side yard shall be not less than eight (8) feet in width.

11.5.3 No front yard is required.

11.5.4 If an outer court is provided, it shall be not less than five (5) feet wide nor less than one sixth (1/6) the length of such court from the closed end.

- 11.5.5 If an inner court is provided, it shall be not less than six (6) feet wide, nor shall its area be less than twice the square of its least required dimension.
- 11.5.6 No building with its accessory buildings, to be used for commercial purposes, shall occupy in excess of ninety (90%) percent of the lot area.
- 11.5.7 Notwithstanding any of the above requirements in Section 11.5, buildings used in whole or in part for residential purposes shall conform to the yard, floor area ratio and density restrictions for such buildings in Section 8 for one (1) or two (2) family dwellings and in Section 9 for multi-family dwellings.
- 11.5.8 **Site Plan Approval:** The Building Inspector of the Village of Peoria Heights shall not issue a permit for the new construction or substantial improvement of structures in an area zoned B-1 Central Business District, B-2 General Retail Business District, and B-3 Service Business District, until such time that a site plan for the location of an improvement on premises so zoned shall be submitted to and approved by the Peoria Heights Planning Commission. Such site plans shall be submitted by the owner or builder for its approval, modification and approval, or disapproval by said Planning Commission. Such plans shall show:

- **lot lines,**
- **building placement and type,**
- **width of bounding streets,**
- **the location and size of all drives, parking areas,**
- **type of buildings,**
- **landscaping and**
- **other details as deemed necessary to show the complete development.**

The Planning Commission shall give due consideration to the probable effect the proposal would have on surrounding land uses:

- **the adequacy of existing water and sewer utilities serving the site,**
- **the relation of the building height and mass to surrounding structures and**
- **how the proposed project will have an effect as a vehicle traffic generator on streets giving access to the site.**

The Planning Commission may approve the plans as submitted, may approve the plan subject to modification or may disapprove the plans. Its decision in each case shall be in writing spread upon the minutes of the Planning Commission with copies to the

applicant, the Building Inspector and the Village Board.

Section 12.

B-2 General Retail Business District

- 12.1 **Purpose:** It is the purpose of the B-2 General Retail Business District to provide adequate and reasonable regulations for those business areas along Prospect Road south of the railroad and other areas in the Village where General Retail Business is already established or where it may be appropriate to encourage such use.
- 12.2 **Permitted Uses:** No building or premises in the B-2 General Retail Business District shall be hereafter erected or altered, unless otherwise provided for in this Ordinance, except for the following uses:
- (1) **Uses permitted in the B-1 Central Business District, subject to the regulations of that district.**

- (2) **Offices.**
- (3) **Personal service shops.**
- (4) **Stores and shops for the conduct of any retail business, provided all goods or products offered for sale are displayed and stored within a building. Eating or drinking establishments, designed for consumption in cars parked or which may be parked on the premises, commonly known as “drive-ins” are not to be construed as permitted, hereby, being designated a special use under Section 12.3.**
- (5) **Bowling alleys, indoor theaters, dance halls, gymnasiums, meeting halls, lodge halls, clubs and other recreational or fraternal establishments, but not including recreational uses conducted primarily in the open such as golf driving ranges, miniature golf.**
- (6) **Business, trade, dancing, music or art schools.**
- (7) **Undertaking establishments and funeral parlors.**
- (8) **Electric substations, telephone exchanges.**

12.3 **Special Uses:** The following uses may be allowed by Special Use Permit upon application to and approved by the governing body.

- (1) **Gasoline filling stations.**
- (2) **Used car sales lots.**
- (3) **Drive-in restaurants.**
- (4) **Roadside markets, landscape nursery sales yard, building material sales yard or similar use where the products are primarily displayed outside of a building.**

In its deliberation, the governing body shall give due consideration to the probable effect the proposed Special Use would have on surrounding land uses:

- **the location of access drives into the site with respect to their creating traffic hazards,**
- **the adequacy of on-site parking,**
- **lighting of the premises,**
- **adequacy of supervision and**
- **hours of operation.**

12.4 **Height, Yard, Court and Coverage:** Height, yard, court and coverage requirements of Section 11.4 and 11.5 shall apply in the B-2 General Retail Business District.

12.5 **Site Plan Approval:** The Building Inspector of the Village of Peoria Heights shall not issue a permit for the new construction or substantial improvement of structures in an area zoned B-1 Central Business District, B-2 General Retail District and B-3 Service Business District until such time that a site plan for the location of an improvement on premises so zoned shall be submitted to and approved by the Peoria Heights Planning Commission. Such site plans shall be submitted by the owner or builder for its approval, modification and approval, or disapproval by said Planning Commission. Such plan shall show:

- **lot lines,**
- **building placement and type,**
- **width of bounding streets,**
- **location and size of all drives, parking areas,**
- **type of buildings,**
- **landscaping and**
- **any other details as deemed necessary to show the complete development.**

The Planning Commission shall give due consideration to the probably effect the proposal would have on surrounding land uses:

- **the adequacy of existing water and sewer utilities serving the site,**
- **the relation of the building height and mass to surrounding structures and**
- **how the proposed project will have an effect as a vehicle traffic generator on streets giving access to the site.**

The Planning Commission may approve the plans as submitted, may approve the plan subject to modification or may disapprove the plans. Its decision in each case shall be in writing spread upon the minutes of the Planning Commission with copies to the applicant, the Building Inspector and the Village Board.

Section 13.

B-3 Service Business District

- 13.1.1 **Purpose:** It is the intent and purpose of the B-3 Service Business District to provide adequate regulations of those businesses closely associated with the Illinois River or those located along Galena Road designated a major thoroughfare on the Comprehensive Regional Plan. Because of these unique locations where this district is mapped, Special Uses and regulations are appropriate.
- 13.2 **Permitted Uses:** No building or premises shall be used and no building shall hereafter be erected or altered within any B-3 Service Business District, unless otherwise provided in this Ordinance, except for the following uses:
- (1) **Any use permitted in the B-2 General Retail Business District.**
 - (2) **Marinas, boat yards, boat sales, boat storage, boat clubs.**

- (3) **Motels, boatels.**
- (4) **Parks, recreation areas operated by a unit of government.**
- (5) **Water storage, purification, intake or pumping station, sewer lift station.**
- (6) **Gasoline service stations, trucking depots and transfer stations.**

13.3 **Special Uses:**

The following uses may be allowed by Special Use Permit upon application to and approval by the governing body:

- (1) **Trailer and Mobile Home Parks.**

In its deliberation, the governing body shall give due consideration to the probable effect the proposed Special Use would have on surrounding land uses:

- **The location of access drives into the site with respect to their creating traffic hazards.**
- **The proposed site shall contain not less than ten (10) acres and not less than fifty (50) mobile home spaces available at first occupancy, nor more than ten (10) mobile homes per gross acre.**
- **A greenbelt planting not less than twenty (20) feet in width shall be located along all lot lines of the proposed site not bordering on a street or the Illinois River. Such greenbelt shall be composed of one (1) row of deciduous or evergreen trees, spaced not more than forty (40) feet apart and not less than three (3) rows of shrubs spaced out more than eight (8) feet apart. The requirement for shrubs growing to a height of five (5) feet or more after one (1) full growing season should not grow to a height of not less than twelve (12) feet.**

13.4 **Height, Yard, Court and Coverage:** Requirements shall be the same as Section 11.4 and 11.5, except that no building or structure shall be closer than forty (40) feet to the right-of-way line of Galena Road and no building, structure or fill shall be located or placed between the present shore line and permit line without first obtaining a Special Use Permit from governing body. Such permit shall be granted only if a specific detailed site plan is presented and the evidence indicated that the proposal will enhance the usefulness and beauty of the riverfront and will not adversely affect surrounding properties.

13.5 **Site Plan Approval:** The Building Inspector of the Village of Peoria Heights shall not issue a permit for the new construction or substantial improvement of structures in an area zoned B-1 Central Business District, B-2 General Retail District and B-3 Service Business District until such time that a site plan for the location of an improvement on premises so zoned shall be submitted to and approved by the Peoria Heights Planning Commission. Such site plans shall be submitted by the owner or builder for its approval, modification and approval or disapproval by said Planning Commission. Such plan shall show:

- **lot lines,**
- **building placement and type,**
- **width of bounding streets,**
- **the location and size of all drives, parking areas,**
- **type of buildings,**
- **landscaping and**
- **any other details as deemed necessary to show the complete development.**

The Planning Commission shall give due consideration to the probable effect the proposal would have on surrounding land uses:

- **the adequacy of existing water and sewer utilities serving the site,**
- **the relation of the building height and mass to surrounding structures and**
- **how the proposed project will have an effect as a vehicle traffic generator on streets giving access to the site.**

The Planning Commission may approve the plans as submitted, may approve the plan subject to modification or may disapprove the plans. Its decision in each case shall be in writing spread upon the minutes of the Planning Commission with copies to the applicant, the Building Inspector and the Village Board.

Section 13-A.

B-4 Low Impact Industrial District

13-A.1 **Purpose:** It is the intent and purpose of the B-4 Low Impact Industrial District to provide adequate regulations of those businesses engaged in “clean” (low environmental impact) industrial and commercial uses of property so zoned that will be compatible with neighboring residential and retail zoning districts.

13-A.2 **Permitted Uses:** No building or premises shall be used and no building shall hereinafter be erected or altered within any B-4 Low Impact Industrial District unless otherwise provided for in this Ordinance, except for the following uses:

- (1) **Any use permitted in the B-2, General Retail Business District (subject to the restrictions of that District).**
- (2) **Bakery manufacturing/processing.**

- (3) **Bedding and furniture storage/assembly.**
- (4) **Cloth products manufacturing.**
- (5) **Commercial testing laboratories (no hazardous materials).**
- (6) **Computer services.**
- (7) **Display rooms – merchandise retail/wholesale.**
- (8) **Electronic, scientific precision instrument manufacturing.**
- (9) **Frozen food lockers.**
- (10) **Health centers.**
- (11) **Laundries.**
- (12) **Laboratories – research and testing (no hazardous materials).**
- (13) **Light machinery products – appliances, business machines, computers, etc**
- (14) **Lithographing.**
- (15) **Mail order houses.**
- (16) **Musical instruments assembly.**
- (17) **Orthopedic and medical appliance manufacture.**
- (18) **Photo finishing laboratories.**
- (19) **Pottery and ceramics manufacture.**
- (20) **Printing and publishing establishments.**
- (21) **Radio/TV stations (no tower).**
- (22) **Railroad Transportation (no switching yards).**
- (23) **Recreation – indoor commercial.**
- (24) **Research, non-commercial, scientific, educational.**
- (25) **Wearing apparel assembly.**

13-A.3 Special Uses:

The following uses may be allowed by Special Use Permit upon application to and approval by the governing body:

- (1) **Outdoor storage of materials, supplies and equipment (except for motor vehicles in operable condition used for conducting business) used in conjunction with any permitted use listed in 13-A.2 above.**

In its deliberation, the governing body shall give due consideration to the probable effect the proposed Special Use would have on surrounding land uses:

- **the type of material, equipment or supply to be stored outside,**
- **the manner and method of enclosure (screening) and**
- **the frequency with which the material, equipment or supply is to be used or expended or moved in and out of the proposed outdoor storage location.**

13-A.4 **Height, Yard, Court and Coverage:** Height, yard, court and coverage requirements of Section 11.4 and 11.5 shall apply in the B-4 Low Impact Industrial District.

13-A.5 **Performance Standards:** All manufacturing, fabricating, assembly, and processing of material, articles and products shall be subject to the performance standards of the I-3 District of the Peoria County Zoning Ordinance, which standards are hereby adopted by reference.

13-A.6 **Site Plan Approval:** The Building Inspector of the Village of Peoria Heights shall not issued a permit for the new construction or substantial improvement of structures in an area zoned B-4 Low Impact Industrial District until such time that a site plan for the location of an improvement on premises so zoned shall be submitted to and approved by the Peoria Heights Planning Commission. Such site plans shall be submitted by the

owner or builder for its approval, modification and approval, or disapproval by said Planning Commission. Such plans shall show:

- **lot lines,**
- **building placement and type,**
- **width of bounding streets,**
- **the location and size of all drives, parking areas,**
- **type of buildings,**
- **landscaping and**
- **any other details as deemed necessary to show the complete development.**

The Planning Commission shall give due consideration of the probable effect the proposal would have on surrounding land usage:

- **the adequacy of existing water and sewer utilities serving the site,**
- **the relation of the building height and mass to surrounding structures and**
- **how the proposed project will have an effect as a vehicle traffic generator on streets giving access to the site.**

The Planning Commission may approve the plans as submitted, may approve the plan subject to modification or may disapprove the plans. Its decision in each case shall be in writing spread upon the minutes of the Planning Commission with copies to the applicant, the Building Inspector and the Village Board.

13-A.7 **Use of Hazardous Materials:** The use of any and all hazardous materials within any area zoned B-4 Low Impact Industrial District shall at all times be in strict accordance with applicable State and/or Federal environmental laws and regulations.

Section 14.

I-1 Industrial District

- 14.1 **Purpose:** It is the purpose of the I-1 Industrial District regulations to protect established residential areas from nearby industrial activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards and other objectionable influences. Also to protect the limited amount of suitable industrial land from preemption by other uses and thereby to protect and enhance the tax base of the Village.
- 14.2 **Permitted Uses:** No building or premises shall be used and no building shall hereafter be erected or altered within any Industrial District, unless otherwise provided in this Ordinance, except for the following:
- (1) **Any use permitted in any other district.**
 - (2) **Public utility substations, distribution centers, gas regulator stations.**
 - (3) **Wholesale business establishments, warehouses, storage or household goods.**

- (4) **Building material storage yards, contractors' plants or storage yards, lumber yards.**
- (5) **Laboratories.**
- (6) **Manufacturing, fabricating, assembly and processing of materials, articles and products, subject to the performance stands of the I-3 District of the Peoria County Zoning Ordinance, which standards are hereby adopted by reference.**
- (7) **Offices, display rooms, as an accessory use to any of the above permitted uses.**

Section 15.

Off-Street Parking and Loading

15.1 **Purpose:** It is the purpose of this section to prevent added congestion of the public streets and so promote the safety and welfare of the people by requiring, in connection with any new construction, that off-street parking and loading be provided in accordance with the use to which the property is put and its location in the Village.

15.2 **General Provisions:**

15.2.1 **Procedure:** An application for a Building Permit for a new or enlarged building, structure or use shall include therewith a plot plan in duplicate, drawn to scale, and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

15.2.2 **Extent of Control:** The off-street parking and loading requirements of this Ordinance shall apply as follows:

- (a) **All buildings and structures erected and land uses initiated after the effective date of this Ordinance shall not be required to furnish parking or loading facilities, if construction is begun thereon within**

six (6) months of the effective date of this Ordinance and diligently prosecuted to completion.

- (b) When a building or structure erected prior to or after the effective date of this Ordinance, shall undergo any decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities. Also, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions of this Ordinance, thereto, parking and loading facilities may be reduced accordingly, provided that existing parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this Ordinance to the entire building or structure as modified.
- (c) When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measurement specified hereinafter for required parking or loading facilities and when said increase would result in a requirements for additional total parking or loading spaces through application of the provisions of this Ordinance, then parking and loading facilities shall be increase accordingly, so that the total shall at least equal the parking or loading requirements resulting from application of the provision of this Ordinance to the entire building or structure as modified.

15.2.3 **Existing Parking and Loading Spaces:** Accessory off-street parking and loading spaces in existence on the effective date of this Ordinance, may not be reduced in number, unless already exceeding the requirements of this section for equivalent new construction, in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

15.2.4 **Additional Parking and Loading Spaces:** Nothing in this section shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or building, subject to full compliance with the provisions of this section, except that off-street parking areas accessory to existing multiple-family structures cannot be located off the premises containing the main use, unless on a lot adjacent thereto, without authorization by the Village Board.

15.2.5 **Damage or Destruction:** Any building, structure or use which is in existence and is a non-conforming use on the effective date of this Ordinance and which subsequently shall be damaged or partially destroyed by fire, collapse, explosion of other cause, shall not be reconstructed, re-established or repaired unless off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored and continued in operation. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new construction.

15.3 **Schedule of Requirements:** Requirements governing the number of off-street, parking and loading spaces in relation to the use of property are as set forth in the following table and are deemed to be minimum requirements. The requirements for any use not specified thereon, shall be the same as for a similar specified use, as determined by the Board of Appeals. For the purposes of this section of parking space, shall be deemed an area of not less than one hundred and seventy (170) square feet, at least eight (8) feet six (6) inches in width, and not less than twenty (20) feet in length.

<u>Use</u>	<u>Min. Req'd. Parking Spaces</u>	<u>Min. Req'd. Loading Spaces</u>
Dwellings	2 per dwelling unit	0
Hotels, Motels, Clubs	1 per 3 guests or 1/sleeping unit	0
Lodging, Rooming, Boarding Houses	1/3 guests, plus 1 for manager	0
Private Clubs (without Sleeping Rooms)	Parking space equal to 25% of total membership or 1 space for every 400 sq. ft. of floor area, whichever is greater	1
Hospitals, Sanitariums, Convalescent Homes, Nursing Homes	1 for each 4 beds, plus 1 for each staff and visiting doctor, plus 1 for each 3 other employees	1 space for 40,000 sq. ft. of floor area, Plus 1 space for each additional 100,000 sq. ft. of floor area
<u>Use</u>	<u>Min. Req'd. Parking Spaces</u>	<u>Min. Req'd. Loading Spaces</u>
Medical, Dental Clinics	5 spaces per doctor engaged at the clinic	0
Mortuaries, Funeral Parlors	1 space/50 sq. ft. of floor space in chapels and parlors	1
Churches, School Auditoriums, Stadiums, Sports Arenas, Indoor Theaters	1 space/5 individual seats	0
Other places of assembly without fixed seating	1 space/75 sq. ft. gross floor area	0
Banks, Business or Professional Offices	1/400 sq. ft. of floor area	1 space per 100,000 sq. ft. of floor area or major fraction thereof

Bowling Alleys	5/alley	“
Retail Stores and Shops	1/300 sq. ft. of floor area	“
Mobile Home Courts	2/Mobile Home lot	0
Manufacturing and Industrial Uses, Warehousing, Research and Testing Labs	½ employees/shift based upon the largest shift	1 for 1st sq. 40,000 sq. ft. of floor area, plus 1 for each additional 100,000 sq. ft.

- 15.4 Notwithstanding the above requirements, the required off-street parking or loading may be waived for establishment in the B-1 Central Business District where the establishment participates in the development and maintenance of off-street parking in accordance with the plans for the Prospect Road Business District as adopted by the governing body, upon application to and approval of such waiver by the Planning Commission, upon it finding that the establishment is a cooperator in the Prospect Road Business District plan implementation.
- 15.5 All required off-street parking and loading shall be on the same lot with the establishment or on an adjacent lot or one (1) across a street therefrom.

Section 16.

Non-Conforming Uses

- 16.1 The lawful use of signs and billboards, which does not conform to the provisions of this Ordinance, shall be discontinued within two (2) years from the date of the approval of this Ordinance, and the use of signs and billboards, which become non-conforming by reason of a subsequent change in this Ordinance, shall also be discontinued within two (2) years from the date of the change.
- 16.2 **Non-Conforming Uses of Land:** Where, at the effective date of adoption of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as, it remains otherwise lawful subject to the following provisions:
- (a) **No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such use at the effective date of adoption of this Ordinance.**
 - (b) **No such non-conforming uses shall be moved in whole or in part to any other portions of the lot or parcel occupied by such use at the**

effective date of adoption of this Ordinance.

- (c) **If any such non-conforming use of land ceases for any reason for a period of one (1) year or more, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.**

16.3 **Non-Conforming Structures:** Where a lawful structure, other than a sign or billboard, exists at the effective date of the adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) **No such structure may be enlarged or altered in a way, which increases its non-conformity.**
- (b) **Should such a structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance. A building designed for a non-conforming use, however, may be constructed or altered beyond the limitations herein provided by action of the Board of Appeals, after the public hearing, as required by law in case of variances.**

16.4 **Non-Conforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of the adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- (a) **No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.**
- (b) **Any non-conforming use may be extended throughout any part of a building, which was manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.**
- (c) **If a non-conforming use has been discontinued for a period of one (1) year or more, it shall not be re-established, unless the non-conforming use was in a building designed, arranged and intended for such use.**
- (d) **Any structure, or structure and land in combination, on which or in a**

non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed.

- (e) **When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure, or structures and premises in combination, shall not thereafter be used, except in conformance with the regulations of the district in which it is located.**
- (f) **Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.**

16.5 **Non-Conforming Use Changes:** Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use. A non-conforming use shall not be substituted or added to another non-conforming use.

The foregoing provisions of this section shall also apply to buildings structures, land or uses which hereafter become non-conforming due to any reclassification of district under this Ordinance or any subsequent changes in the regulations of this Ordinance.

16.6 **Repairs and Maintenance:** On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months, on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10%) percent of the current replacement value of the building, provided that the cubical content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any Village Official charged with protecting the public safety, upon the order of such official.

16.7 **Uses Under Exception Not Non-Conforming Uses:** Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

Section 17.

Administration and Enforcement

- 17.1 **Board of Appeals:** A Board of Appeals is hereby established in accordance with the provisions of the statute applicable thereto. Regular meetings of the Board shall be held at such time and place within the Village as the Board may determine. Special meetings may be held at the call of the Chairman, or as determined by the Board, such Chairman or in his absence, the Acting Chairman may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The Board shall adopt its own rules of procedure not in conflict with the statute or this Ordinance.
- 17.2 **Appeals:** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Village. Such appeal shall be taken within twenty (20) days from the date of the action appealed from by filing with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. The Board of Appeals shall fix a reasonable time for hearing of the appeal and

give due written notice thereof to the parties and decide the same within a reasonable time. The Board may reverse or affirm, wholly or partly or may modify the use, requirement, decision or determination as, in its opinion, ought to be made in the premises, but any decision to reverse any order, requirement, decision or determination of an Administrative official or to decide in favor of the applicant any matter upon which it is required to pass under such an Ordinance or to effect any variation in the Ordinance, or to recommend any variation or modification to the Ordinance to the Village Board shall require a concurring vote of not less than four (4) members of the Board.

17.3 **Jurisdiction:** The Zoning Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Building Inspector. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The Board may reverse or affirm, wholly or partly or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises, and to that end, the Board shall also have all the powers of the officer from whom the appeal is taken. When a property owner shows that a strict application of the terms of this Ordinance relating to the use, construction or alteration of buildings or structures or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may make such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation in the following instances:

- (a) **To permit the extension of a district where the boundary of a district divides a lot in single ownership as shown of record.**
- (b) **To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than fifty (50) percent of its value, by fire or act of God or the public enemy, where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.**
- (c) **To make a variance, by reason of an exceptional situation, surroundings or condition of a specific piece of property or by the reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exception topographical conditions the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a particular confiscation of property, as distinguished from a mere inconvenience to such owner, provided, such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan, as established by the regulations and provisions contained in this Ordinance.**
- (d) **To interpret the provisions of this Ordinance where the street layout**

actually on the ground varies from the street layout as shown on the district map fixing the several districts.

- (e) To waive the parking requirements in the neighborhood commercial, commercial business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provisions of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.
- (f) To permit a building to be erected, reconstructed, altered or enlarged so that the building lines will extend beyond the distances specified in this Ordinance into side yards or into front yards, provided, that such variances may not be granted:
 - (1) unless there is a building in the block which extends beyond the distance from the front street line specified in this Ordinance, in which case, the building line may be permitted to extend as near to the front street line as such non-conforming building; or,
 - (2) unless the lot is irregular in shape, topography or size; or
 - (3) unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography of size.
- (g) To permit in any district such modifications of the requirements of the regulations of this Ordinance as said Board may deem necessary to secure an appropriate development of a lot, where adjacent to such lot on two (2) or more sides, there are buildings that do not conform to the regulations of the district.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the District Map, such power and authority being reserved to the Village Board of Trustees. The Board of Appeals may impose such conditions and restrictions upon the use of the premises benefited by a variance, as it may deem necessary. The Board shall make no such variation, except in a specified case, after an application for a permit has been made and after duly advertised public hearing held by the Board as prescribed by statute. The notice of hearing shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as, a brief description of the nature of the appeal. In order to partially defray the expenses of the public hearing involving variance, the applicant shall pay the sum of thirty-five (\$35) dollars at the time of the filing of the appeal for the variance.

17.4 **Judicial Review of Final Decisions:** All final administrative decisions of the Board of Appeals rendered under the terms of this Ordinance shall be subject to judicial review, pursuant to the provisions of the “Administrative Review Act”, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

17.5 **Certificate of Occupancy Required:** No vacant land shall be occupied or used, and no building hereafter erected or structurally altered, shall be occupied or used; nor shall any

home occupation be established until a Certificate of Occupancy shall have been issued by the Building Inspector.

A Certificate of Occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a Building Permit and said certificate shall be issued within three (3) days after the requests for same shall have been made, in writing, to the Building Inspector after the erection or alteration of such building or part thereof, shall have been completed in conformity with the provisions of this regulation. Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion.

Such temporary certificate shall not be construed as in any way altering the respective rights, duties and obligations of the owners or of the Village relating to the use or occupancy of the premises or any other matter covered by this Ordinance, and such temporary certificate shall not be issued, except under such restrictions and provisions as will adequately insure the safety of the occupants.

A Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a Certificate of Occupancy shall be issued within three (3) days after the application has been made provided that such use is in conformity with the provisions of these regulations.

A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and Ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a Certificate of Occupancy, except that a fee of five (\$5) dollars shall be charged in the case of a Home Occupation Certificate.

No permit for excavation for any building shall be issued before application has been made for Certificate of Occupancy.

17.6 **Plats:** All applications for Building Permits shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building and lot and such other information as may be necessary to provide for the enforcement of these regulations. This plat shall be prepared after the lot has been staked by a competent surveyor, and the plat shall show the date of staking and the name of the engineer or surveyor. A careful record of the original copy of such applications and plats shall be kept in the Office of the Building Inspector, and the duplicate copy shall be kept at the building at all times during the construction.

17.7 **Changes and Amendments:** The President and Board of Trustees of the Village of Peoria Heights may, from time to time on its own motion, or on petition or on

recommendation of the Village Zoning Board of Appeals, amend, supplement or repeal the regulations and provisions of this Ordinance, but no such amendments or change shall be made without a hearing before the Village Zoning Board of Appeals as provided by law. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20%) percent of the frontage proposed to be altered, or by the owners of twenty (20%) percent of the frontage immediately adjoining or across an alley therefrom or by the owners of twenty (20%) percent of the frontage directly opposite the frontage proposed to be altered, as to such regulations or district, filed with the Village Clerk, such amendment shall not be passed, except by the favorable vote of two-thirds (2/3) of all the Village Board.

Every petition initiated by interested property owners, or authorized agents such property owners, for the rezoning of any property to more restricted or less restricted classification shall be directed to the Village Zoning Board of Appeals in the first instance. In such cases the Village Zoning Board of Appeals shall not be required to take action for the conduct of a hearing on such petition. If the Village Zoning Board shall determine not to take action for the conduct of a hearing on such petition, the Zoning Board of Appeals shall report such action to the Village Board of Trustees at the next regular meeting of the Village Board of Trustees held after the time that the Zoning Board of Appeals shall determine not to conduct a hearing on said petition. The Village Board of Trustees, upon receiving such report, may direct said Zoning Board of Appeals to conduct a hearing on said petition and in such event, such hearing shall be held by the Zoning Board.

Whenever the owners of three hundred (300) feet or more of the street frontage in any block shall present to the Village Zoning Board a petition requesting the rezoning of any property to a more restricted or less restricted classification, it shall be the duty of the Village Zoning Board of Appeals to conduct a hearing on such petition.

Before the Village Zoning Board of Appeals shall take any action for the conduct of a hearing on any petition for rezoning any property, the party or parties petitioning for such change shall deposit the sum of thirty-five (\$35) dollars to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

- 17.8 **Interpretation and Purpose of Ordinance:** In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of building, or required larger open spaces than are imposed or required by other Ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall govern.
- 17.9 **Validity of Ordinance:** Should any section, clause or provision of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 17.10 **Repeal of Conflicting Ordinances:** All Ordinances or parts of Ordinance, in conflict herewith are hereby expressly repealed in so far as they may so conflict.

17.11 **Violations and Penalties:**

- (a) **Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall be fined not less than five (\$5) dollars and nor more than fifty (\$50) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.**
- (b) **In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the proper authorities of the Village of Peoria Heights, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building structure or land or to prevent any illegal act, conduct, business or use in or about such premises.**
- (c) **Within the districts established by this Ordinance, there exist lots, structures and uses of land and structures, which were lawful before this Ordinance was passed, but which would be prohibited under the terms of this Ordinance.**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, demolition, elimination, removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until completion of the building involved.

The attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, if such additions are of a nature that would be prohibited generally in the district involved, shall not be considered as valid non-conforming uses if attached or placed within a period of ninety (90) days prior to the date of the passage of this Ordinance.

17.12 **Effective Date:** This Ordinance shall be in effect from and after its passage, approval and publication as required by law.

Passed and approved by the President and Board of Trustees of the Village of Peoria Heights, Illinois on April 7, 1970. Updated amendments added thereto as of September, 1988, June, 1993, May, 1996 and February, 2007.