

## TITLE 2: ZONING

### CHAPTER 2 - GENERAL PROVISIONS

- 2-2-1 Allowable Use of Land or Buildings
- 2-2-2 Control Over Use
- 2-2-3 Control Over Bulk
- 2-2-4 Accessory Buildings, Structures and use
- 2-2-5 Yards, General
- 2-2-6 Obstructions to Sight Visibility Near Street intersections
- 2-2-7 Permitted Obstructions in Required yards
- 2-2-8 Required Yards for Lots Adjoining Residential Districts
- 2-2-9 Landscaped Buffers or Screening Required for Lots Between Certain Zoning Districts
- 2-2-10 Fences
- 2-2-11 Satellite Dish Antennas
- 2-2-12 Flood Plain Area
- 2-2-13 Annexation; Procedure for Zoning
- 2-2-14 Exceptions
- 2-2-15 Incorporation of Zoning Map
- 2-2-16 Reparability

#### SECTION 2-2-1 ALLOWABLE USE OF LAND OR BUILDINGS

The following uses of land or buildings listed below are allowable in the district indicated hereinafter of this Title under the conditions specified.

- A. Uses lawfully established on the effective date hereof.
- B. Permitted uses as designated in the Titles for each district.
- C. Special uses as designated in the Titles for each district.
- D. Uses for which application for development approval has been applied for under the Peoria County Zoning Ordinance prior to the adoption of this ordinance providing that the permit, variances, or special uses are approved, and that such construction is initiated within six months of such approval and is diligently pursued to completion.

#### SECTION 2-2-2 INTENT AND PURPOSE

In all districts, after the effective date hereof, and subject to the provisions as set out in Chapter 8 of this Title on non-conforming uses:

- A. Any tract of land may be used.
- B. Any lawfully existing or new building or other structure may be used; relocated, enlarged, converted, extended, reconstructed, or altered within the limits set forth below.
- C. The use of any lawfully established existing building or other structure, or tract of land may be continued, changed, extended, or enlarged.

The above shall apply for any use or special use allowed by the Titles for the district in which such building or other structure, or tract of land is located, and for no other purpose, and shall conform to all other Titles set forth in the Titles for the district, and in all other applicable Titles contained herein.

#### SECTION 2-2-3 CONTROL OVER BULK

All new buildings shall conform to the Titles established herein for the district in which each building is located. Further, no existing buildings shall be enlarged, reconstructed, structurally altered, converted or relocated in such manner as to conflict, or further conflict, with the bulk Titles of this Title for the district in which such building shall be located.

## SECTION 2-2-4 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.

## SECTION 2-2-5 YARDS, GENERAL

- A. All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building or buildings). Maintaining the required spaces for yards, other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space or minimum lot area requirements for any other building.
- B. No improved lot shall hereafter be divided into two (2) or more lots and no portion of any improved lot shall be sold, unless all improved lots resulting from each such subdivision or sale shall conform with all the applicable bulk Titles of the zoning district in which the property is located.
- C. No yards, now or hereafter provided for a building existing on the effective date of this Title, shall subsequently be reduced below, or further reduced if already less than minimum yard requirements of this Title for equivalent new construction.

## SECTION 2-2-6 OBSTRUCTIONS TO SIGHT VISIBILITY NEAR STREET INTERSECTIONS

No obstructions to sight visibility shall be permitted within 20 feet of a zoning lot corner formed by the intersection of any two street lines except for obstructions of less than three feet in height or for those obstructions greater than three feet in height, that portion of the obstruction between three feet and ten feet in height shall be no greater than fourteen inches in diameter.

## SECTION 2-2-7 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

The following shall not be considered obstructions when located within a required yard. In no case shall the following list of permitted obstructions in yards validate permanent construction where otherwise prohibited:

- A. In any yard.
  1. Air conditioning unit.
  2. Arbor or trellises.
  3. Chimneys projecting not more than two feet into the yards.
  4. Decorative lawn ornaments and garden furniture.
  5. Fences complying with Chapter 2, Section 2-2-10.
  6. Flagpoles, not exceeding 35 feet in height.
  7. Open porches and decks, not roofed (including railings not more than 38 inches in height) provided no closer than ten (10) feet to the front lot line, eight (8) feet to the side lot line or ten (10) feet to the rear lot line where no rear alley exists or no closer than three (3) feet to the rear lot line where a rear alley exists.
  8. Ornamental light standards not over nine feet in height.
  9. Outdoor coin telephones and telephone booths (where permitted).
  10. Signs in conformance with Chapter 9 of this Title.
  11. Steps.
  12. Terraces.
  13. Trees and shrubs.
  14. Accent walls as an extension of a building, not exceeding three feet in height.
- B. In any rear yard.

1. Accessory non-commercial greenhouses, provided not over 150 square feet.
2. Accessory off-street parking space or open or enclosed garage.
3. Single accessory shed, tool room, or other similar building or structure for domestic or agricultural storage provided not over 150 square feet and not more than fifteen (15) feet in height and no closer than five (5) feet to the rear lot line where no alley exists or three feet to the rear lot line where a rear alley exists. Nothing in the West Peoria Zoning Titles, as amended from time to time, is intended to apply to buildings or structures that are less than twenty-five (25) square feet in floor area and less than five (5) feet in height.
4. Children's play equipment.
5. Recreational or drying clothes yard equipment.
6. Satellite dish antennas meeting the requirements of Chapter 2, Section 11 of this Title.
7. Swimming pools, private.
8. Television antennas.

SOURCE 96-3, 97-11, 00-22

- C. In any front yard.
  1. Driveways leading to garages or accessory off-street parking spaces located beyond the required front yard.
  2. Parking for single family or duplex residence on a driveway leading directly to a garage or other approved accessory off-street parking spaces.
- D. In any side yards.
  1. Non-commercial radio and television towers and antennas.
  2. Open accessory off-street parking spaces, not including garages or carports.
  3. Satellite dish antennas meeting the requirements of Chapter 2, Section 2-2-11 of this Title.

#### SECTION 2-2-8 REQUIRED YARDS FOR LOTS ADJOINING RESIDENTIAL DISTRICTS

- A. In any commercial or industrial district, where a side lot line coincides with a side lot line or rear lot in an adjacent residential district, a side yard shall be provided with at least the width set forth in the following table, and in any commercial or industrial district where a rear lot line coincides with a side lot line or rear lot line in an adjacent residential district, a rear yard shall be provided with at least the depth set forth in the following table:

District	Minimum Width of Side Yard (in feet)	Minimum Depth of Rear yard (in feet)
B-1	10	25
B-2	10	25
I-1	20	30
I-2	20	30

- B. No yard required by this section shall be used for storage or processing of any kind. No side yard required by this section shall be used for accessory off-street loading.

## SECTION 2-2-9 LANDSCAPED BUFFERS OR SCREENING REQUIRED FOR LOTS BETWEEN CERTAIN ZONING DISTRICTS

Newly established industrial uses adjacent or backing on residential or business districts, or newly established business uses adjacent or backing on residential districts, or newly established multi-family uses adjacent or backing on single-family uses, shall provide and continuously maintain parallel to and the following distance within that property line a dense hedge, tree row or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another. Failure to maintain landscaped buffers or screening shall be considered a violation of this ordinance.

Plant materials for landscaped screening shall be of general type and size at the time of planting as follows. Where landscape screening is required, a plan shall be provided at the time of submission of the application for zoning permit indicating the type, size, location and spacing of plant materials to form the landscape screen.

- A. Evergreen Trees: Juniper, Fir, Spruce, Pine, Douglas-Fir.  
At time of planting, Evergreen trees shall be a minimum of five feet (5') in height with twenty foot (20') spacing and planted ten feet (10') within the property line.
- B. Narrow Evergreen Trees: Columnar Hinoki Cypress, Pyramidal Red-Cedar, Pyramidal White Pine, Douglas Arbor-Vitae, Columnar Juniper, Swiss Stone Pine, Hatfield or Hicks Yews, Columnar Giant, Arbor Vitae.  
At time of planting, Narrow Evergreens shall be a minimum of three feet (3') in height with six foot (6') spacing and planted three feet (3') within the property line.
- C. Small Trees: Flowering Crab, Redbud, Hornbeam, Magnolia, Dogwood, Hawthorn, Hop Hornbeam.  
At time of planting, Small Trees shall be a minimum of four feet (4') in height with ten feet (10') spacing and planted five feet (5') within the property line.
- D. Large Deciduous Shrubs: Honeysuckle, Mock-Orange, Lilac, Cotton-Easter, Euonymus, Viburnum, Forsythia, Rose of Sharon, Privet, Sumac.  
At the time of planting, Large Deciduous Shrubs shall be a minimum of five feet (5') in height with five foot (5') spacing and planted two and one-half feet (2 ½') within the property line.
- E. Large Deciduous Trees: Oak, Hackberry, Planetree (Sycamore), Ginkgo, Linden, Hard Maple, Birch, Beech, Honeylocust.  
At the time of planting, Large Deciduous Trees shall be a minimum of eight feet (8') in height with thirty foot (30') spacing and planted fifteen feet (15') within the property line.

## SECTION 2-2-10 FENCE REQUIREMENTS IN RESIDENTIAL DISTRICTS

- A. Fence Requirements in Residential Districts:  
No person shall construct or erect a fence within the City without first having received a permit from the Zoning Officer. Applications for a fence permit shall be submitted with the appropriate fee to the Zoning Officer. No fence or fences may be constructed or erected which does not comply with the following:
  - 1. Front yard fences on interior and corner lots: Ornamental fences at least fifty percent (50%) open and not exceeding four (4) feet in height are permitted in front yards. Privacy fences are not permitted in front yards.
  - 2. Side yard and rear yard fences on interior lots: Ornamental and privacy fences not exceeding six (6) feet in height are permitted in the required side and rear yards of interior lots.
  - 3. Side yard fences on and fences at the rear of corner lots: Ornamental and privacy fences are permitted on corner lots provided they meet the following criteria:
    - (a). When the fence is adjacent to an intersection, the triangle bounded on two (2) sides by the intersecting property lines, measured ten (10) feet in each direction from their point of intersection and on the third side by the diagonal

- line connecting the ends of the ten (10) foot sides must be maintained for visibility purposes.
- (b). When the fence is next to an alley, it must be erected within the property boundaries.
  - (c). Privacy fences may not be constructed or erected beyond the front line of the principal structure.
4. Fences to contain no dangerous materials: No fence may be constructed with or contain barbed wire, metal spikes (not to include wrought iron), or any other sharp pointed materials. Chain link fences shall be constructed with the barb portion of the fence at the bottom of the fence. No fence may be electrified.
  5. Each time a temporary fence is constructed within the City property owner or person must receive a permit from the Zoning Officer. Applications for a temporary fence permit shall be submitted with the appropriate fee to the Zoning Officer. SOURCE 96-3,98-23,01-04
  6. Miscellaneous:
    - (a). The unfinished or rough side of all fences, as well as all posts, must face the interior side of the lot.
    - (b). Maintenance of fences are the responsibility of the property owner.
    - (c). Fences must be constructed of standard commercial materials intended for fences.
- B. Fence Requirements in Business and Industrial District:  
 No person shall construct or erect a fence within the City without first having received a permit from the Zoning Officer. Applications for a fence permit shall be submitted with the appropriate fee to the Zoning Officer. No fence or fences may be constructed or erected which does not comply with the following:
1. Front and side Yard Fences on Interior and Corner Lots, Rear Lot Fences: Front yard fences at least 50% open may be constructed in the required front yard. Privacy fences are permitted on the side street side of a corner lot providing they comply with the required yards or if no yards are required, the required street setback. Interior lot line side yard fences and rear yard fences may be constructed within the required yards.
  2. Fence height: No fence may exceed eight (8) feet in height.
  3. Sharp Materials on Fences to be Six Feet Above Ground: No fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials within the B-1 and B-1-O District, or if within the B-2 or I-Industrial District, unless the sharp pointed materials are at least six (6) feet, but not more than eight (8) feet above ground.
- C. Variations of Fence Requirements: Application for a variation of the above provisions shall be made in the same manner as provided for other variations of this Title.
- D. Sports and Recreational Fencing: Fences erected for purposes of providing fencing around sports or recreation facilities or areas as listed below shall be subject to the height limitations indicated below providing the fence is 75% open and that the fence is not within twenty (20) feet of a zoning lot corner formed by the intersection of any two street lines.

SOURCE: 96-03, 01-04

<u>Use</u>	<u>Maximum Height</u> (feet)
Tennis Courts (public or private)	12
Baseball diamond Backstop (public or private)	16
Swimming Pool (public)	8
School Recreation and Sports Areas (public or private)	8

## SECTION 2-2-11 SATELLITE DISH ANTENNAS

- A. Certain satellite dish antennas exempt from Title: Satellite dish antennas of less than thirty (30) inches in diameter and attached to the primary structure are exempt from Title.
- B. In any Residential Zoning district, ground-mounted satellite dish antennas up to 12 feet in diameter may be permitted subject to the following criteria:
  - 1. All installations may be located within the buildable area of the lot, or as a permitted obstruction in side or rear yards according to Chapter 2, Section 2-2-7 of this Title.
  - 2. All possible effort shall be made in setting location of antennas to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
  - 3. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
  - 4. All installations shall include landscape screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments shall completely enclose the antenna.
- C. In any Residential zoning district, roof-mounted satellite dish antenna up to 12 feet in diameter may be permitted by special use, subject to the following criteria:
  - 1. Demonstration by the applicant that compliance with Chapter 2, Section 2-2-11 (B) 1 and 2-2-11 (B) 2 of this Title would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
  - 2. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
- D. In any Business or Industrial zoning district, ground-mounted satellite dish antennas may be permitted subject to the following criteria:
  - 1. All installations shall comply with the maximum height restrictions imposed upon primary uses.
  - 2. All installations exceeding 12 feet in diameter shall be screened with landscape screening from any adjoining residentially zoned land. Such screening can be waived if the antenna is set back a distance at least five times its diameter from the residentially zoned parcel.
  - 3. All accessory-use installations may be located as a permitted obstruction to any required yard as indicated in Chapter 2, Section 7 of this Title.
- E. In any Business or Industrial zoning district, roof-mounted satellite dish antennas up to 12 feet in diameter may be permitted by special use subject to the following criteria:
  - 1. Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control.
  - 2. The height of the proposed installation does not exceed the maximum height restriction imposed for primary uses within the district.
  - 3. Those criteria relating to all special uses listed in Chapter 11 of this Title shall apply.

## SECTION 2-2-12 FLOOD PLAIN AREA

No building or structure shall be erected nor fill placed in locations which violates any flood plain-ordinance restrictions for that area.

## SECTION 2-2-13 ANNEXATIONS; PROCEDURE FOR ZONING

Any land which may hereafter become a part of the City of West Peoria as a result of annexation shall be classified and placed in the R-1 Zoning District unless the petition for annexation is accompanied by a petition for reclassification or a pre-annexation agreement in which case the regular procedures for public hearing and approval of zoning amendments shall be followed.

## SECTION 2-2-14 EXCEPTIONS TO USE AND HEIGHT TITLES

- A. Exception to use Titles: The following uses are exempted by this Title and permitted by easement in any district: Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment for telephone or other communication and electric power, gas, water and sewer lines.
- B. Exceptions to height Titles: The height limitations of this Title shall not apply to the following structures: Cooling towers, church spires, belfries, cupolas, elevator bulkheads and domes not intended for human occupancy; monuments, water towers, derricks, and conveyors.

## SECTION 2-2-15 INCORPORATION OF ZONING MAP

The location and boundaries of the districts established by this Title are set forth on the map "City of West Peoria Zoning Districts," which is hereby incorporated as part of this Title by reference. The Zoning Map, including all amendments thereto, shall be as much a part of this Title as if fully set forth and described herein. Said Map shall be filed with the office of the City Clerk and shall be made available for public reference at all times during which those offices are open.

## SECTION 2-2-16 SEPARABILITY

It is hereby declared to be the legislative intent that, if any of the provisions of this Title, or the application thereof to any lot, building or structure or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure or tract of land immediately involved in the controversy. All other provisions of this Title shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be affected.