MEETING AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF FEBRUARY 6, 2020 MINUTES

4. REGULAR BUSINESS
   Deliberations will be held at the end of each case after public comment has been closed. No public comment is allowed during deliberations.

   **CASE NO.**
   **PZ 20-3**
   Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to rezone property from former right-of-way to Class R-3 (Single Family Residential) District for the property located in the southeast corner of the intersection of Wilhelm Road and the Rock Island Trail, and identified as part of Outlot B in Hunter's Trail Subdivision, in the Northeast Quarter of Section 25, Township 10 North, Range 8 East, Peoria, IL (Council District 5).

   **CASE NO.**
   **PZ 20-4**
   Hold a Public Hearing and forward a recommendation on the request of Roxanne Olson to obtain a Special Use, in a Class R-7 (Multi-Family Residential) District, for a Legal Non-Conforming Use Change for a Residence, Office, and Music Studio, for the property located at 7150 N University St (Parcel Identification No. 14-08-301-010), Peoria IL (Council District 5)

   **CASE NO.**
   **PZ 20-D**
   Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Warehouse, Indoor Multi-Story Storage.

   **CASE NO.**
   **PZ 19-L**
   (Deferred from the February meeting)
   Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Short Term Rentals.

5. CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION

6. ADJOURNMENT
A meeting of the Planning & Zoning Commission was held on Thursday, February 6, 2020, at 1:00 p.m., at City Hall, 419 Fulton St., in Room 400, with Chairperson Michael R. Wiesehan presiding and with proper notice having been posted.

ROLL CALL
The following Planning & Zoning Commissioners were present: Ed Barry, George Ghareeb, Robin Grantham, Eric Heard, Branden Martin, and Mike Wiesehan – 6. Commissioners absent: Richard Unes – 1.

City Staff Present: Leah Allison, Sara Maillacheruvu, Megan Nguyen, and Kimberly Smith.

SWEARING IN OF SPEAKERS
Speakers were sworn in by Megan Nguyen.

MINUTES
Commissioner Barry moved to approve the minutes of the Planning & Zoning Commission meeting held on January 6, 2020; seconded by Commissioner Heard.

The motion was approved viva voce vote 6 to 0.

REGULAR BUSINESS
PZ 19-L (deferred from January meeting)
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Short Term Rentals.

Chairman Wiesehan addressed Case No. PZ 19-L directly, understanding that there was a desire to defer the case to the March meeting.

Urban Planner, Sara Maillacheruvu, Community Development Department, confirmed the desire of the staff to defer the case to the March meeting pending feedback from a public meeting being integrated into the proposed text amendment.

Motion:
Commissioner Heard made a motion to defer the request to the March 2020 meeting of the Planning and Zoning Commission; seconded by Commissioner Ghareeb.

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

PZ 20-1
Hold a Public Hearing and forward a recommendation to City Council on the request of Mark Davis of Woodland Baptist Church to rezone property from the present Class R-6 (Multi-Family Residential) District to a Class R-3 (Single Family Residential) District, for the property located at 6847 N Allen Road (Part of Parcel Identification No. 14-07-376-003), Peoria, IL (Council District 5)

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 20-1 into the record and presented the request. Ms. Allison provided a summary of the request and offered relevant background context.
Discussion was held regarding the re-zoning of part of the parcel. Chairperson Wiesehan asked the reason for converting part of the parcel to R-3 from R-6 instead of the entirety of the parcel. Ms. Allison explained that the existing use may need R-6 zoning.

Devin Birch, representing the Petitioner, of Austin Engineering Company gave further background context in support of the case and the reason for wanting to convert part of the parcel from R-6 to R-3, citing work done to the site in 2008.

Chairperson Wiesehan opened the public hearing at approximately 1:13 pm. There being no public testimony, the public hearing was closed at approximately 1:13 pm.

**Motion:**
Commissioner Heard made a motion to approve the request as presented; seconded by Commissioner Ghareeb:

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

**PZ 20-2**
Hold a Public Hearing and forward a recommendation to City Council on the request of Joshua L. Blue, of The Grow Trust, LLC to obtain a Special Use in a Class C-G (General Commercial) District for Cannabis, Craft Grower for the property located at 4040 SW Adams Street (Parcel Identification No. 18-19-181-015), Peoria, IL (Council District 1).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 20-2 into the record. Ms. Smith provided a summary of the proposal and offered relevant background context.

The Development Review Board recommends APPROVAL of the request for a special use subject to the following conditions and waivers:

1. Remove existing barbed wire and chain link fence. Staff supports the applicant’s proposal to replace this fence with a new, black powder coated aluminum fence.
2. Replace sidewalks along the front property.
3. All other applicable permits and licenses through the City and State must be obtained. This includes building permits related to a change of occupancy, and City and State licenses related to cannabis operations.
4. Waivers to permit existing landscaping to meet front yard, parking lot interior, and perimeter parking lot landscaping requirements.

Joshua L. Blue, Petitioner, of The Grow Trust gave his agreement to staff recommendations and further context on the scope of his proposal.

Discussion was held regarding the potential odor to be emitted from the operation of the facility and spread into the surrounding community. Commissioner Grantham expressed concern that the odor could spread to nearby Class R-4 (Single-Family Residential) District and what proposal the Petitioner had to prevent the issue. The Petitioner stated that carbon filters would be used to minimize the spread of the odor. Commissioner Grantham reiterated concern for citizens of the surrounding neighborhood and declared her opposition to the proposal unless the Petitioner communicates with local citizens and neighborhood associations and fully addresses the plan to minimize the potential odor. The Petitioner reiterated that the
carbon filter system will contain much of the scent so as not to impose on the surrounding community. Commissioner Wiesehan suggested the Petitioner communicate his proposal with the members of the neighborhood, to which the Petitioner agreed. Commissioner Barry queried as to the mechanics of the carbon filter system, with regards to what percentage of the scent is removed. The Petitioner could not provide that answer immediately but will provide that information when known. Commissioner Heard asked what generates the odor. The Petitioner explained the odor is produced by flowers of the plants during the growing process and that it can be contained. Commissioner Ghareeb recommended the Petitioner look for best practices in other similar facilities to fully contain the odor as much as possible. The Petitioner stated the air quality control measures are modeled after partner facilities in California.

Chairperson Wiesehan opened the public hearing at approximately 1:32pm.

Denise Jackson, Vice President of Southside Community United for Change, read a prepared statement on behalf of Southside Community United for Change, as representative of citizens in the surrounding community, in opposition to the proposal.

Martha Ross, President of Southside Community United for Change, expressed concern for the potential increase in crime and further degradation of the surrounding community should a Special Use be granted. Ms. Ross further questioned what benefit the facility would provide for the immediate area.

Robert Johnson, Vice President of Southside Community United for Change, expressed desire to keep the Southside area safe. Mr. Johnson also said members of the surrounding community felt left out from the process and asked that the Petitioner engage neighborhood associations with regards to the proposal.

Andres Diaz, a concerned citizen, expressed his support for the spirit of entrepreneurship but questioned the economic impact of the facility to the immediate area. Mr. Diaz further concurred with previous discussion and testimony that the Petitioner engage with community and incorporate neighborhood associations in generating and refining the proposal.

Denise Moore, City of Peoria 1st District Councilwoman, expressed concern about the lack of communication about the proposal from the Petitioner. Councilwoman Moore stated other cannabis entrepreneurs had approached her regarding potential opportunities in her district and was concerned she had never visited with the Petitioner.

Steve Kerr, of Mohr and Kerr, stated he recommended the Petitioner speak with Councilwoman Moore and that she was e-mailed regarding the proposal. This was confirmed by Councilwoman Moore. Mr. Kerr concurs that the effort was belated but was made. Mr. Kerr further defended the proposal.

Brian Montgomery, partner to the Petitioner, stated there was to be an informational meeting and job fair with citizens of Peoria held at Washington Carver Community Center, in coordination with State Representative Jehan Gordon-Booth. Due to a scheduling conflict, Representative Gordon-Booth suggested an event concerning the cannabis industry to be held at Illinois Central College, which the Petitioner accepted. The Petitioner gave their reasons for selecting the location at 4040 SW Adams St and responded to the comments from public testimony. Mr. Montgomery stated opposition to the proposal is based on stigma and defended the proposal and its potential benefits to the area.

There being no further public testimony, the public hearing was closed at 1:55pm.

Chairman Wiesehan stated the City of Peoria follows government requirements regarding notification of the surrounding area. Chairman Wiesehan further stated that much of the concerns of citizens fall out of the purview of the Planning and Zoning Commission but may be addressed by the City Council.
Motion:

Commissioner Ghareeb motioned to defer to the March meeting, but Chairman Wiesehan stated the motion to defer must come with the consent of the Petitioner and that the Commission did not have the authority to defer the case. The Petitioner did not consent to a deferral and thus the motion was not considered.

Commissioner Martin made a motion to approve the request as presented; seconded by Commissioner Heard.

Discussion was held prior to voting. Commissioner Heard stated a craft grower would be preferable to a dispensary at the site proposed and that the Petitioner talk and work with community members to address their concerns. Commissioner Grantham expressed a desire for proper air filtration to be put in place to not affect the air quality of the surrounding area and damage property values.

Discussion on the Findings of Fact was held.

The motion was APPROVED viva voce vote 4 to 2.
Yeas: Ghareeb, Heard, Martin, and Wiesehan – 4
Nays: Barry, Grantham – 2

PZ 20-B (deferred from January meeting)
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Setback Regulations

Urban Planner, Sara Maillacheruvu, Community Development Department, read Case No. PZ 20-B into the record. Ms. Maillacheruvu provided a summary of the proposal and offered relevant background context.

Chairperson Wiesehan opened the public hearing at approximately 2:10 pm. There being no public testimony, the public hearing was closed at 2:10pm.

Motion:
Commissioner Barry made a motion to approve the request as presented; seconded by Commissioner Grantham:

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION
There were no citizen requests to address the Commission.

ADJOURNMENT
Commissioner Ghareeb made a motion to adjourn; seconded by Commissioner Martin at approximately 2:11pm.

Bahader Singh, Development Technician
TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: March 5, 2020
CASE NO: PZ 20-3

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to rezone property from former right-of-way to Class R-3 (Single Family Residential) District for the property located in the southeast corner of the intersection of Wilhelm Road and the Rock Island Trail, and identified as part of Outlot B in Hunter's Trail Subdivision, in the Northeast Quarter of Section 25, Township 10 North, Range 8 East. (Council District 5)

SUMMARY OF PROPOSAL
The City is requesting to rezone former right-of-way property to class R-3 (Single Family Residential) district.

BACKGROUND

Property Characteristics
The subject property contains 3,310 sq. ft. (0.076 acres) of land and is surrounded by R-3 (Single-Family Residential) zoning to the north, south, east and west.

History
On February 11, 2020 City Council approved a vacation of right-of-way. The vacated property is intended to accompany development of the area southeast of the intersection of Wilhelm Road and the Rock Island Trail. Once vacated, the property must be given a zoning classification.

<table>
<thead>
<tr>
<th>Date</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1931 - 1958</td>
<td>Not in the City Limits</td>
</tr>
<tr>
<td>1958 - 1963</td>
<td>Not in the City Limits</td>
</tr>
<tr>
<td>1963 - 1990</td>
<td>Not in the City Limits</td>
</tr>
<tr>
<td>1990 - Present</td>
<td>None - ROW</td>
</tr>
</tbody>
</table>

DEVELOPMENT REVIEW BOARD ANALYSIS
The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Standard Met per Community Development Dept. Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>LaSalle Factor #1: Existing uses of and zoning of nearby property</td>
<td>The subject property is adjacent to single family residential zoning on the north, south, and west.</td>
</tr>
<tr>
<td>LaSalle Factor #2: Extent to which property values are diminished by the particular zoning</td>
<td>Property values will not be diminished by the R-3 (Single Family Residential) zoning.</td>
</tr>
<tr>
<td>LaSalle Factor #3: Extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public.</td>
<td>None</td>
</tr>
<tr>
<td>LaSalle Factor #4: Relative gain to the public as compared to the hardship imposed on the individual property owner.</td>
<td>The proposed zoning will provide uniform zoning.</td>
</tr>
<tr>
<td>LaSalle Factor #5: Suitability of the property for the zoned purpose.</td>
<td>The property is suitable for the R-3 (Single Family Residential) zoning class as the adjacent properties is the same.</td>
</tr>
<tr>
<td>LaSalle Factor #6: Length of time the property has been vacant as zoned, compared to the development in the vicinity of the property.</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>LaSalle Factor #7: Public need for the proposed use.</td>
<td>None</td>
</tr>
</tbody>
</table>

**Comprehensive Plan Future Land Use Designation**
The Future Land Use Designation is Medium Density Residential.

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**
The Development Review Board recommends approval of the request.

**ATTACHMENTS**
1. Surrounding Zoning
2. Aerial Photo
3. Plat
Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division
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Map Scale
1 inch = 167 feet
2/12/2020
RIGHT OF WAY VACATION PLAT

PART OF OUTFLOT B IN HUNTERS TRAIL ESTATES SUBDIVISION AND PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS

LEGEND

- RIGHT OF WAY VACATION LINE
- RIGHT OF WAY LINE
- ADJACENT PROPERTY LINE
- STORM SEWER
- MEASURED BEARING & DISTANCE
- RECORD DISTANCE
- SET IRON ROD

OUTLOT A

WILHELM ROAD (80')

HUNTERS TRAIL ESTATES OUTFLOT B

COPPER CREEK SUBDIVISION

LOT 10

OLD WILHELM RD.

DESCRIPTION

PART OF OUTFLOT B IN HUNTERS TRAIL ESTATES SUBDIVISION AND PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF OUTFLOT B OF SAID HUNTERS TRAIL ESTATES, THENCE SOUTH 00 DEGREES 39 MINUTES 24 SECONDS WEST, (BEARINGS ASSUMED FOR DESCRIPTIVE PURPOSES ONLY), A DISTANCE OF 33.00 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89 DEGREES 20 MINUTES 26 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 166.72 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED.

FROM THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 20 MINUTES 26 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 115.03 FEET TO THE EASTERNLY RIGHT OF WAY LINE OF THE ROCK ISLAND TRAIL, THENCE NORTH 25 DEGREES 49 MINUTES 11 SECONDS WEST, ALONG SAID EASTERNLY LINE, A DISTANCE OF 12.04 FEET; THENCE NORTHEASTERLY, ON A CURVE TO THE LEFT HAVING A RADIUS OF 1298.00 FEET AND AN ARC LENGTH OF 105.82 FEET, SAID CURVE BEING SUBSTANTIATED BY A CHORD HAVING A BEARING OF NORTH 70 DEGREES 15 MINUTES 39 SECONDS EAST, A DISTANCE OF 106.79 FEET; THENCE SOUTH 20 DEGREES 09 MINUTES 11 SECONDS EAST, A DISTANCE OF 50.79 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 0.076 ACRES MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESERVATIONS, RESTRICTIONS OR RIGHT OF WAY OF RECORD.

RIGHT OF WAY VACATION PLAT

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5001 N. Prospect Road, Suite 65
Peoria, Illinois 61614
Office: (309) 692-6500
Fax: (309) 692-6591
Professional Design File #134-005691

LICENSE NUMBER: 10414561
LICENSE ISSUER: LICENSE BOARD OF ILLINOIS
LICENSE EXPIRATION DATE: 12/31/2021

CLIENT: CITY OF PEORIA

PROJECT NO. 19-123

DRAWING NO. 1 OF 1

DATE: 1-13-20
PLANNING & ZONING COMMITTEE

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: March 5, 2020
CASE NO: PZ 20-4

REQUEST: Public Hearing on the request of Roxanne Olson to obtain a Special Use in a Class R-7 (Multi-Family Residential) District for a Non-Conforming Use Change for a Residence, Office and Music Studio, for the property located at 7150 N University Street, (Parcel Identification No. 14-08-301-010), Peoria IL (Council District 5)

SUMMARY OF PROPOSAL & REQUESTED WAIVERS
The petitioner is requesting to obtain a Special Use for a Non-Conforming Use Change for a residence on the second floor, and an office and music studio on the ground floor, as further described below:

<table>
<thead>
<tr>
<th>Development Item</th>
<th>Applicant Proposal</th>
<th>Applicant Waiver Request &amp; Justification</th>
<th>DRB Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>13 regular parking spaces plus 2 handicap accessible spaces</td>
<td>None</td>
<td>Parking lot must be striped for all spaces and handicap parking signs must be updated to current standards.</td>
</tr>
<tr>
<td>Mechanical &amp; Utility Screening</td>
<td>None proposed</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Landscaping</td>
<td>No changes to existing trees and shrubs located in side and rear yards.</td>
<td>None</td>
<td>78 points of trees are required for the front yard. Parking lot points are met.</td>
</tr>
<tr>
<td>Buffers &amp; Screening</td>
<td>None proposed</td>
<td>None</td>
<td>Garbage dumpsters, if visible from the public right-of-way, must be screened with a four-sided garbage enclosure.</td>
</tr>
<tr>
<td>Signs</td>
<td>1 existing 19 sq. ft in size, 5-foot tall monument sign is located in the front yard. No other signs proposed.</td>
<td>None</td>
<td>A special use in a residential district is allowed to have 1 freestanding sign not to exceed 20 sq. ft. in size and 5 ft in height.</td>
</tr>
<tr>
<td>Exterior Lighting</td>
<td>None proposed</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Setbacks</td>
<td>No changes to existing building setbacks</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Height</td>
<td>Existing building is 25 feet tall</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Access &amp; Circulation</td>
<td>One existing ingress/egress driveway from University St. This is shared with the adjacent property.</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

BACKGROUND

Property Characteristics
The subject property contains 1.15 acres of land and is currently developed with a two-story structure. The property is zoned Class R-7 (Multi-Family Residential) and surrounded by R-7 (Multi-Family Residential) zoning to the east, R-3 (Single-Family Residential) zoning to the north and west, and R-2 (Single-Family Residential) zoning to the south.
**History**
The structure was originally built as a residence. In 1978, a Use with Approval was granted for offices. The property has been used for offices since.

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<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Not in the City Limits</td>
</tr>
<tr>
<td>1958 - 1963</td>
<td>Not in the City Limits</td>
</tr>
<tr>
<td>1963 - 1990</td>
<td>R2 (Medium-Density Residential)</td>
</tr>
<tr>
<td>1990 - Present</td>
<td>R7 (Multi-Family Residential)</td>
</tr>
</tbody>
</table>

**DEVELOPMENT REVIEW BOARD ANALYSIS**
The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

<table>
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<tr>
<th>Standard for Special Use</th>
<th>Standard Met per DRB Review</th>
<th>DRB Condition Request &amp; Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>No detriment to public health, safety, or general welfare</td>
<td>Yes</td>
<td>None</td>
</tr>
<tr>
<td>No injury to other property or diminish property values</td>
<td>Yes</td>
<td>None</td>
</tr>
<tr>
<td>No impediment to orderly development</td>
<td>Yes</td>
<td>None</td>
</tr>
<tr>
<td>Provides adequate facilities</td>
<td>Yes</td>
<td>None</td>
</tr>
<tr>
<td>Ingress/Egress measures designed to minimize traffic congestion</td>
<td>Yes</td>
<td>None</td>
</tr>
<tr>
<td>Not contrary to the objectives of adopted plans</td>
<td>Yes</td>
<td>None</td>
</tr>
<tr>
<td>If a public use/service, then a public benefit</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Conforms to all district regulations</td>
<td>No</td>
<td>Stripe parking lot, handicap signage, screen garbage dumpster, plant front yard landscaping.</td>
</tr>
<tr>
<td>Comprehensive Plan Critical Success Factors</td>
<td>Grow Employers and Jobs</td>
<td>N/A</td>
</tr>
<tr>
<td>City Council Strategic Plan Goals</td>
<td>Smart Population Growth</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**
The Development Review Board recommends approval of the request with the following conditions:

1. Stripe the parking lot for all regular and handicap accessible spaces.
2. Install handicap parking identification signs.
3. Construct a six to seven foot tall, four-sided solid garbage enclosure, with a gate for access.
4. Plant 78 points of trees in the front yard for landscaping requirements.
5. Remove the Class II recreational vehicle, currently parked on the grass, from the property as it exceeds the allowable size in a residential district.

**NOTE:** If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meetings all applicable code requirements through all phases of the development.

**ATTACHMENTS**
1. Surrounding Zoning
2. Aerial Photo
3. Site Plans
4. Traffic counts
5. Photo
Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division
January 29th, 2020

Planning and Zoning Commission Application

To whom it may concern,

Here are the approximate car counts coming in and out a day

12-25 cars multiplied to 7 days/week 84 to 175 per week. Our current location is

Perfect Melody Music Studio
7310 N University St Peoria, IL 61614

For any further questions, please don’t hesitate to reach us at 872.806.9656, roxyolson@yahoo.com

Thank you so much!

Roxanne T. Olson
Brandon L. Olson
7150 N University Street
TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: March 5, 2020
CASE NO: PZ 20-D

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Warehouse, Indoor Multi-Story Storage

SUMMARY OF PROPOSAL
Recent inquiries for re-use of vacant big box buildings into indoor self-service warehousing have led staff to re-examine the regulations.

Currently, indoor self-service warehousing is only permitted in buildings with a minimum of two stories. Staff is proposing to eliminate the requirement for two stories to allow greater opportunity of re-use for single story buildings.

DEVELOPMENT REVIEW BOARD RECOMMENDATION
The Development Review Board recommends approval of the request

ATTACHMENTS
1. Proposed Ordinance
AN ORDINANCE AMENDING APPENDIX A THE UNIFIED DEVELOPMENT CODE
OF THE CITY OF PEORIA RELATING WAREHOUSE, SELF SERVICE INDOOR MULTI-STORY

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule municipality, the City may exercise any power and perform any function pertaining to its government and affairs including zoning regulations and uses; and

WHEREAS, the City of Peoria desires to amend Appendix A, the Unified Development Code;

NOW, AND THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix A of the Peoria City Code, being Ordinance No. 17,403 as adopted on October 11, 2016, is hereby amended by deleting the following stricken words and adding the following underlined words:

5.0 PERMITTED LAND USES

5.3 USE AND PERFORMANCE STANDARDS

5.3.3 Commercial Use Performance Standards

F. Self-Service Storage

1. General

a. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.

b. The following activities shall be prohibited on the premises:

1) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage mini-warehouse complex may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of Illinois regulations.

2) Servicing, repair, or fabrication or motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

3) Operation of a transfer-and-storage business.

4) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.

5) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
6) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.

7) Habitation of storage units by humans or animals.

2. Warehouse, Self-Service, Mini-Storage

a. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with 8.4, Outdoor Storage and Display.

b. A Transitional Buffer Yard in accordance with 8.2.9 of not less than 25 feet in width shall be established along any side of the property where the facility abuts or is across the street from residential district.

c. A 100 percent opaque eight-foot high visual barrier or screen shall be provided around the perimeter of the property.

d. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

3. Warehouse, Self-Service, Indoor Multi-Story

a. All warehouse storage on the property shall be in a minimum two-story, single-enclosed building. All storage units shall be accessed internally. External doors to individual units shall not be permitted. One consolidated loading area is permitted to the rear or side of the building.

b. The storage of boats, RV's or other similar vehicles may be permitted in accordance with 8.4, Outdoor Storage and Display.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS ________ DAY OF _____________________________, 2020

APPROVED:

_____________________________
Mayor

ATTEST:

_________________________________
City Clerk

EXAMINED AND APPROVED:

_________________________________
Corporation Counsel
TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Kerilyn Weick, Sara Maillacheruvu, & Ross Black)
DATE: March 5, 2020
CASE NO: PZ 19-L
REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code related to Short Term Rentals.

SUMMARY OF PROPOSAL
The proposed text amendment establishes a pathway for the legal existence of short term rentals (STRs) in the City of Peoria. The components of the text amendment are broken down below. The zoning and use aspects of STRs fall under the purview of this Commission.

However, various City regulations and ordinances help shape and are affected by the proposed text amendment, including rental registration and finance/licensing. Summary is provided below on these regulation changes, but their approval is not governed by this Commission.

Definition and Temporality:
A short-term rental is defined as “[a]ll or part of a dwelling unit that is rented for compensation, whether with or without meals, to transient guest(s) for a period less than thirty (30) consecutive days. Bed and Breakfast establishments are considered Short Term Rental units.” Thus, a property that is rented/occupied as an STR for thirty or more consecutive days to the same guest(s) would no longer be an STR. Rather, it would be a non-owner-occupied property and would need to register as such under the regulations outlined by Chapter 5, Article XIII of the City Code.

In addition, the existing use category of Bed and Breakfast is eliminated, hereby replaced by STRs. The UDC’s definition of “dwelling” and “dwelling unit” will be amended to align with the City’s Building and Code Enforcement ordinances.

Registration and Fees:
An STR will be required to acquire a hotel/motel license on an annual basis, the proposed fee of which is $75.00. (The current motel/hotel fee is $25.00. The fee change would have to be approved by City Council.) STRs will pay the same tax rate as hotels/motels and will remit taxes to the City on the same schedule as hotels/motels.

The City understands that there may be fluidity between a property’s use as an STR and as non-owner occupied. That is, within the same year a property owner may initially operate an STR but later decide to lease units as apartments, to be occupied by the same individual(s) for thirty or more consecutive days; or vice versa. In consideration of this, the City will permit property owners who initially registered their properties as an STR (by acquiring and paying for a hotel/motel license) to receive a $75.00 credit toward their non-owner-occupied registration fee. The registration fee of non-owner-occupied properties varies based upon Code compliance and other factors, ranging from $75.00 per property to $5,000.00 per year. Similarly, if a property is initially registered as non-owner occupied, the owner will not be required to pay the $75.00 fee in obtaining a hotel/motel license, as she has paid at least that much in obtaining the non-owner-occupied license.

Permitted Locations:
The text amendment moves to permit short term rentals in all downtown, form, residential, institutional, and commercial zoning districts, as well as the I-1 zoning district. See proposed ordinance and use table attached, with proposed use table pasted below.
Use Category and Use Combinations:
STRs will be considered as Overnight Lodgings within the Commercial Use category. This is the same classification as hotels, motels, inns, extended stay facilities, and youth hostels. They will not be considered as part of the Residential Use category, as the typical occupancy for that use type is “on a month-to-month or longer basis.”

There are a number of ways that an STR can be operated, in combination with and without other uses, as outlined below:
- A dwelling may be used solely as an STR, with all units in a given dwelling rented/utilized for STR purposes.
- A dwelling may be used for STR purposes paired with a household living use. A property owner could reside at a given dwelling and utilize an unoccupied room in her dwelling to operate an STR.
- In a mixed-use environment—in which commercial/retail uses are typically located on the bottom floor of a building and residential units are on above stories—those residential units above the commercial use could be utilized for STR purposes.

Inspections:
A revised property self-inspection form must be completed and submitted by the owner of the STR as part of the license application. A copy of the property self-inspection form must be kept in the STR for renters.

DEVELOPMENT REVIEW BOARD RECOMMENDATION
The Development Review Board recommends approval of the text amendment as outlined above and per the attachments.

ATTACHMENTS
A. Proposed UDC ordinance.
B. Proposed Finance/Licensing ordinance.
C. Proposed Rental Registration ordinance.
D. Proposed Self-Inspection form
E. Minutes from December 9, 2019 Public Meeting.
Attachment A: Proposed Unified Development Ordinance
AN ORDINANCE AMENDING APPENDIX A THE UNIFIED DEVELOPMENT CODE OF THE CITY OF PEORIA RELATING TO SHORT TERM RENTALS

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule municipality, the City may exercise any power and perform any function pertaining to its government and affairs including zoning regulations and uses; and

WHEREAS, the City of Peoria desires to amend Appendix A, the Unified Development Code;

NOW, AND THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix A of the Peoria City Code, being Ordinance No. 17,403 as adopted on October 11, 2016, is hereby amended by deleting the following stricken words and adding the following underlined words:

5.2.2 Permitted Use Table

5.3 - USE AND PERFORMANCE STANDARDS

5.3.3 Commercial Use Performance Standards

B. Bed and Breakfast - Short Term Rental
No bed and breakfast establishment shall be granted unless the following standards are met:

1. Signage shall not exceed twelve inches by twelve inches.

2. If the proposed site is located within a recognized local, state, or national historic district or if the residence has been designated a landmark structure, then the owner shall maintain the structure as required or bring the structure up to historic compliance.

3. Parking shall be in accordance with 8.1. The parking shall be on existing paved surfaces or inside garages, as provided prior to the application for the special use. In addition, the required parking does not have to be independently maneuverable. Parking anywhere other than the provided off-street parking from midnight to 6:00 a.m. is prohibited.

4. The bed and breakfast establishment must obtain all necessary permits as required by the health department, historic preservation commission, City of Peoria, and State of Illinois.

5. In addition to 2.9.13, the special use for a bed and breakfast establishment can be revoked if in violation of the above requirements.

No Short Term Rental establishment shall be permitted unless the following standards are met:

   The structure and all spaces available for rent (including, but not limited to, spaces for rent for sleeping) meet the requirements of the City's housing, building and fire codes as set forth in the Code of the City of Peoria or the codes adopted by reference.

   The structure and all spaces available for rent (including, but not limited to, spaces for rent for sleeping) meet the requirements of the applicable Life Safety Code (NFPA 1) as legislated by the State of Illinois and the Office of the Illinois State Fire Marshal as it applies to the occupancy use of the short term rental structure

   The owner and all occupants shall comply with the Code of the City of Peoria. The Code of the City of Peoria includes, but is not limited to, property maintenance, alcoholic beverages, public nuisances, and noise.

1. The owner shall comply with the residential property registration code of the City of Peoria.

2. The owner shall obtain and maintain a valid Hotel Motel license from the City of Peoria and the owner shall pay Hotel or Motel Room Rental Use or Privilege tax to the City of Peoria.

3. Additional dwelling units cannot be added to the original design of the dwelling.

4. All provisions of the Unified Development Code with respect to the underlying zoning district shall apply.

5. The Unified Development Code with respect to short term rentals is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties, this includes Home Owners Association agreements. If the provisions of this development code impose a greater restriction than imposed by a private agreement, the provisions of this development code will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this development code, the provisions of the private agreement will control. The City does not enforce or maintain a record of private agreements.
5.6 - USE CATEGORIES

5.6.2 Residential Use Categories

A. Household Living

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

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>Dish antenna under 1 meter</td>
<td>Short term rental, hotel, motel, inn, extended-stay facility (see Overnight Lodging)</td>
</tr>
<tr>
<td>Two-Family</td>
<td>Home occupation (see 5.4.8)</td>
<td>Halfway house, recovery home, residential treatment facility, outpatient treatment facility (see Social Service Institutions)</td>
</tr>
<tr>
<td>Townhouse</td>
<td>Detached garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool</td>
<td>Boarding house, elderly housing, assisted living facility</td>
</tr>
<tr>
<td>Apartment</td>
<td>Raising of pets</td>
<td>Fraternity, sorority, family care facility, group care facility, nursing home (see Group Living)</td>
</tr>
<tr>
<td>Upper Story</td>
<td>Residential leasing office</td>
<td></td>
</tr>
<tr>
<td>Residential Live-Work</td>
<td>Surface Parking</td>
<td></td>
</tr>
<tr>
<td>Live-Work</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Group Living

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

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

5.6.4 Commercial Use Categories
D. **Overnight Lodging**

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

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
</table>
| Hotel, motel, inn, extended-stay facility, youth hostel | Associated office  
Bar, tavern, cocktail Lounge, nightclub, restaurant with entertainment  
Food preparation or dining area  
Laundry facility  
Meeting facility  
Restaurant  
Swimming pool, other creational facility | Boarding house, rooming house (see Group Living)  
Campground (private), travel trailer park, recreational vehicle park (see Outdoor Recreation)  
Convention center (see Indoor Recreation) |
| Short term rental | Associated office |

***

**10.0 - DEFINITIONS**

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**10.3 - DEFINED TERMS**

Bed and Breakfast Establishment: An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guestrooms for rent, in operation for more than ten (10) nights in a twelve-month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, rooming houses, or food service establishments.

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

Dwelling: A building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit: One or more rooms including a kitchen or kitchenette, located within a residence providing complete living facilities for one family or containing facilities and equipment for living, sleeping, cooking and eating.

Dwelling Unit: eating single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
Short Term Rental: All or part of a dwelling or dwelling unit that is rented with or without meals for compensation to transient guest(s) for a period less than thirty (30) consecutive days. Bed and Breakfast establishments are considered Short Term Rental units.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS ________ DAY OF _____________________________, 2020

APPROVED:

_____________________________
Mayor

ATTEST:

_____________________________
City Clerk

EXAMINED AND APPROVED:

_____________________________
Corporation Counsel
Attachment B: Finance/Licensing Ordinance
ARTICLE VII. - HOTEL OR MOTEL ROOM RENTAL USE OR PRIVILEGE TAX

Sec. 27-146. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel or motel means a structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment-hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

Hotel room or motel room means a room within a structure kept, used or maintained as or advertised or held out to the public to be in an inn, motel, hotel, apartment-hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, with or without meals. One room offered for rental, with or without an adjoining bath, shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

Owner means any person having a sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person to all or a portion of the net receipts thereof.

Person means any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agent, governmental corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties.

Short Term Rental (STR) means all or part of a dwelling or dwelling unit as defined in the Unified Development Code that is rented for compensation to transient guest(s) for a period less than thirty (30) consecutive days.

(Ord. No. 9895, § 1, 8-31-76; Ord. No. 10267, § 1, 6-13-78; Ord. No. 11952, § 1, 5-16-89)


Sec. 27-147. - Tax.

(a) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room, or short term rental unit within the city a tax of seven percent of the rental or leasing charge for each such hotel and motel room or short term rental unit rented for each 24-hour period or any portion thereof; provided, however, that the tax shall not be levied and imposed upon any person to rent a hotel or motel room or short term rental unit for use by the same natural person or persons for more than 30 consecutive days or to a person who is an employee of the same hotel or motel or short term rental unit; the tax imposed herein is applicable to the first 30 days of a hotel or motel room or short term rental unit rental which extends beyond 30 days.

(a.1) In addition to the above, and for all other purposes of this article, there is hereby levied and imposed a one percent tax to be credited to a tourism and event development fund.
(b) The ultimate incident of and liability for payment of such tax shall be borne by the person who seeks
the privilege of occupying any such hotel or motel room or short-term rental unit, such person
hereinafter referred to as "renter."

(c) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the
duty of the owner, manager or operator of every hotel or motel or short-term rental unit to act as trustee
for and on account of the city, and to secure such tax from the renter of the hotel or motel room or
short-term rental unit and pay over to the city comptroller such tax under procedures prescribed by
the city comptroller or as otherwise provided in this article.

(d) Every person required to collect the tax levied by this article shall secure such tax from the renter at
the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other
statement or memorandum, if the rent is given to the renter at the time of payment, the amount due
under the tax provided in this article shall be stated separately on such documents.

(Ord. No. 9895, § 1, 8-31-76; Ord. No. 11825, § 1, 8-16-88; Ord. No. 13433, § 1, 7-21-
93; Ord. No. 13605, § 1, 7-27-93; Ord. No. 13606, § 1, 7-27-93; Ord. No. 13638, § 1, 9-
28-93; Ord. No. 15251, § 1, 1-8-02; Ord. No. 16257, § 1, 3-25-08; Ord. No. 17311, § 1,
12-8-15)

Editor's note—It should be noted that Ord. No. 16259, § 1, adopted April 8, 2008,
amended Ord. No. 16257, § 2, to read, "Section 2. This ordinance shall be in full force
and effect on May 1, 2008 after publication according to law."

Sec. 27-148. - Rules and regulations.

The city comptroller may promulgate rules and regulations not inconsistent with the provisions of this
article concerning enforcement and application of this article. The term "rules and regulations" includes,
but is not limited to, case-by-case determination of whether or not the tax imposed by this article applies.

(Ord. No. 9940, § 1, 11-2-76)

Sec. 27-149. - License required.

(a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established,
operated or maintained, upon any property owned or controlled by him a hotel or motel or short-term
rental unit within the city without having first obtained a license therefor from the city comptroller or
without complying with all provisions of this article.

(b) No license shall be issued or annually renewed for a hotel or motel or short-term rental unit delinquent
in payment of the use and privilege tax or the payment of any fines and/or penalties assessed for the
nonpayment or late payment thereof.

(c) The annual fee for such license for a hotel or motel or short term rental unit shall be $75.00. The
license shall be valid for one year. The fee shall be waived for properties that have paid the non-owner-
occupied fee in the same calendar year.

(d), (e) Reserved.

(Ord. No. 11952, § 2, 5-16-89; Ord. No. 16519, § 1, 1-12-10; Ord. No. 16568, § 1, 5-25-
10)
Sec. 27-150. - Books and records.

The city comptroller, or any person certified as his deputy or representative, may enter the premises of any hotel or motel or short-term rental unit for inspection and examination of books and records in order to effectuate the proper administration of this article and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the city comptroller or his duly authorized deputy or representative in the discharge of his duties and the performance of this article. It shall be the duty of every owner to keep accurate and complete books and records to which the city comptroller or his deputy or authorized representative shall at all times have access, which records shall include a daily sheet showing:

1. The number of hotel or motel rooms or short-term rental units rented during the 24-hour period, including multiple rentals of the same hotel rooms or units where such shall occur; and

2. The actual hotel or motel or short-term rental unit tax receipts collected for the date in question.

(Ord. No. 9895, § 1, 8-31-76)

Sec. 27-151. - Transmittal of tax revenue.

(a) The owner of each hotel or motel room or short-term rental unit within the city shall file tax returns showing tax receipts received with respect to each hotel and motel room or short-term rental unit during each monthly period commencing on October 1, 1976, and continuing on the first day of every month thereafter on forms prescribed by the city comptroller. The return shall be due on or before the 30th day of the calendar month succeeding the end of the monthly filing period. Such owner shall file an application with the city finance department for a city taxpayer identification number prior to filing the first tax return.

(b) The first taxing period for the purpose of this article shall commence on October 1, 1976; and the tax return and payment for such period shall be due on or before November 30, 1976. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this article. At the time of filing such tax returns, the owner shall pay to the city comptroller all taxes due for the period to which the tax return applies.

(c) In case any person who is required under this article to file a tax return to the city fails to file a return when and as required under this article, such person shall pay to the city, in addition to the amount of tax required to be transmitted, a penalty of three percent of the tax that such person is required to transmit to the city; provided, however, a 20-percent penalty shall be imposed for any fraudulent failure to transmit such tax.

1. In case any person who is required under this article to file a tax return to the city files a return at the time required but fails to transmit the tax proceeds, or any portion thereof, to the city when due, a penalty of three percent of the amount of tax not transmitted to the city shall be added thereto each month, or fraction thereof, until fully transmitted; provided, however, the fraudulent failure to pay such tax shall result in a 20-percent penalty.

(d) Any officer or employee of any corporation which is an owner subject to the provisions of this article who has control, supervision or responsibility of collecting tax proceeds, filing returns and transmitting collected tax proceeds of the tax herein imposed by this article and who willfully fails to file such return or to transmit any tax proceeds so collected to the city shall be personally liable for any such amounts collected, including interest and penalties thereon, if after proper proceedings for the collection of such amount, such corporation is unable to pay such amounts to the city; and the personal liability of such officer or employee, as provided in this article, shall survive dissolution of the corporation. For purposes of this subsection, a person willfully fails to act if he takes any conscious and voluntary action intending
not to perform any of his obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the city to pay any other corporate obligations.

(e) The person filing such return shall attach thereto a copy of its Illinois Retailer's Sales and Use Tax or Hotel Operator's Tax returns for the month for which a return is made under this article.

(Ord. No. 9895, § 1, 8-31-76; Ord. No. 9940, § 1, 11-2-76; Ord. No. 11389, § 1, 6-18-85; Ord. No. 11513, § 1, 5-13-86; Ord. No. 11645, § 1, 5-26-87; Ord. No. 17669, § 1, 3-26-19)

Sec. 27-152. - Collection.

Whenever any person shall fail to pay any tax as provided in this article, the corporation counsel shall, upon the request of the city comptroller, bring or cause to be brought an action to enforce the payment of such tax on behalf of the city in any court of competent jurisdiction.

(Ord. No. 9898, § 1, 8-31-76)

Sec. 27-153. - Proceeds of tax and fines.

All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid into the city treasury and shall be credited to and deposited in the corporate fund of the city. Nine percent of said tax proceeds shall be credited to the tourism and event development fund.

(Ord. No. 9895, § 1, 8-31-76; Ord. No. 13433, § 1, 7-21-92; Ord. No. 13605, § 1, 7-27-93; Ord. No. 13606, § 1, 7-27-93; Ord. No. 13638, § 1, 9-28-93)

Sec. 27-154. - Suspension of licenses.

If the mayor, after hearing held by or for him, shall find that any person has willfully avoided payment of the tax imposed by this article, or any fines and/or penalties assessed for the nonpayment or late payment of such tax, he may suspend or revoke all city licenses held by such tax evader. The owner, manager or operator of the hotel or motel or short-term rental unit shall have an opportunity to be heard at such hearing to be held not less than five days after notice of the time and place of the hearing to be held, addressed to him at his last known place of business.

(Ord. No. 9895, § 1, 8-31-76; Ord. No. 11952, § 3, 5-16-89)

Sec. 27-155. - Penalties.

(a) Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than $200.00 nor more than $300.00 for the first offense and not less than $300.00 nor more than as provided in section 1-5 of this Code for the second and each subsequent offense in any 180-day period.

(b) Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months. A separate and distinct offense shall be regarded as committed each day upon which such person shall continue any such violation or permit any such violation to exist after notification thereof.

(Ord. No. 9895, § 1, 8-31-76)
Sec. 27-156. - Purpose of penalties.

The purpose of imposing the penalties provided for the violation of this article is to ensure the integrity of the collection process established pursuant to this article.

(Ord. No. 9895, § 1, 8-31-76)

Sec. 27-157. - Content of the license application.

(a) An applicant for a hotel license as required under section 27-149 shall submit to the city comptroller, an application in writing under oath, stating:

1. The name, age and address of the applicant in the case of an individual; in the case of a corporation, the date of incorporation and the name, age and address of its president and secretary; in the case of a partnership, corporation for profit or club, the date of incorporation and the names, addresses and ages of the officers, directors, managers and any stockholders owning or controlling the voting rights to more than five percent of the stock of such corporation.

2. That the applicant will not violate any ordinances of the city or laws of the state or of the United States in the conduct of his place of business.

3. Short term rental unit operators shall complete and submit a property self-inspection form as provided by the City.

4. Short term rental unit operators shall make available to all occupants an informational guide as provided by the City.

(b) If such application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two members of such partnership or the president and secretary of such corporation or club.

(c) The hotel license shall be displayed prominently in the hotel, motel, or short-term rental unit.

(Ord. No. 16519, § 1, 1-12-10; Ord. No. 16568, § 1, 5-25-10)

Sec. 27-158. - Reserved.

Sec. 27-159. - Furnishing false or misleading information or withholding information on application.

No person shall knowingly furnish false or misleading information or withhold any relevant information on any application for any license required by this article nor knowingly cause or suffer another to furnish or withhold such information on his behalf. No person shall knowingly furnish any false or misleading information to the mayor, the superintendent of police or any person authorized to act in their behalf in the investigation of any application for a license required by this article; nor shall any person willfully withhold any information that is relevant to any such investigation when called upon by the superintendent of police or a person acting in their behalf to furnish such information.

(Ord. No. 16519, § 1, 1-12-10; Ord. No. 16568, § 1, 5-25-10)

Secs. 27-160—27-175. - Reserved.
Attachment C: Rental Registration Ordinance
ARTICLE XIII. - REGISTRATION OF RESIDENTIAL PROPERTY

Footnotes:
--- (17) ---


Sec. 5-520. - Definitions.

For the purpose of this article, unless the context requires otherwise, the following terms shall be construed as herein defined:

_Dwelling_ shall mean a building that contains one or two dwelling units, used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

_Dwelling unit_ shall mean a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

_Code_ shall mean chapters 5, 13, and 15 of the Code of the City of Peoria, and additionally, any other provisions of the Code of the City of Peoria establishing or relating to construction, plumbing, heating, electrical, fire prevention or other heating and safety standards that are applicable to dwellings.

_Owner_ shall mean any person who alone, jointly or severally with others, has legal title of the realty as shown by the records of the Peoria County Recorder of Deed Office except if legal title is held by an Illinois Land Trust, owner shall mean the beneficial owner or owners of the trust.

_Lot_ shall mean one or two or more contiguous parcels of land, legally described comprising the tract or tracts of land upon which a dwelling is located.

_Short Term Rental (STR)_ means all or part of a dwelling or dwelling unit as defined in the Unified Development Code that is rented for compensation to transient guest(s) for a period less than thirty (30) consecutive days.

_Temporary housing_ means any tent, trailer, mobile home and any other transported structure used for human shelter not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

The singular shall include the plural throughout this article.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14)

Sec. 5-521. - Registration required.

(a) Except as provided hereafter, every owner of a lot, or lots upon which is located an occupied or vacant dwelling(s), unless exempted under section 5-528 hereof, shall file an annual
registration statement for each such lot on forms provided by the City of Peoria for such purposes. Any such registration statements shall be prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the dwelling.

(1) The name, street address, telephone number and the driver’s license number of a current driver’s license of each owner of the dwelling or a copy of a State of Illinois identification card or other comparable identification. If the owner is a partnership, corporation or voluntary unincorporated association, the statement shall further include the name, street address, the telephone number, the driver’s license number of a current driver’s license, and position of all partner(s) or officer(s). If the owner is a corporation, the statement shall further include the name, street address and telephone number of the registered agent therefor.

(2) The name, street address and telephone number of a natural person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. The authorized agent must adhere to all State of Illinois rules and regulations which includes having the proper license to operate as a property manager in the State of Illinois. This person must maintain an office in Peoria County, Illinois, or must actually reside within Peoria, Tazewell or Woodford County, Illinois. An owner who is a natural person and who meets the requirement of this subsection as to location of residence or office may designate himself as agent. Failure to have an appropriate authorized agent with the City of Peoria as defined previous in this section will invalidate the registration.

(3) The name, street address and telephone number of the owner’s agent for the purpose of managing, controlling or collecting rents and other person not an owner who is controlling such dwelling, if any.

(4) [Reserved.]

(5) The street address and property index number(s) of the lot or lots upon which the dwelling is located, the number of dwelling units, and the date on which the dwelling was built.

(6) The maximum number of occupants permitted by the owner in each dwelling unit. For the purposes of this section, a post office box does not suffice as an address.

(b) [Reserved.]
Upon registration, and payment of the fee, if applicable, the City of Peoria shall issue a certificate of registration to the owner which shall certify that the owner has registered the lot in compliance with section 5-521 of this chapter. It shall be the duty of any subsequent owner of the lot to register it as required under section 5-521 at the time of acquisition or the closing date of the property.

Upon demonstration by an owner that the lot is not required to be registered under the provision of these sections, the code official or his/her designee shall issue a waiver of registration.

(c) Registration shall be required annually. For 2009, registration shall be required on or before September 30, 2009. Every registration, whether new or renewed, shall expire on February 28 and must be renewed on or before March 1 of each calendar year if the property is required to be registered under this article. Said annual registration shall not occur earlier than January 1 of the calendar year. Failure to register within 30 days of the March 1 deadline will result in a $50.00 late fee. Failure to pay the late fee and the registration fee will be considered noncompliance. Enforcement will be handled as defined in sections 5-525 and 5-526. Failure to register the property within 30 days of the time requirements set forth in section 5-522(a) will result in a $50.00 late fee. Exemption to late fee: The late fee will be waived if a property owner has never registered any property previously with the City of Peoria and registers within 30 days from which the City of Peoria issues a citation to register the property or sends a written notice via standard mail service informing the property owner of registration requirement.

Sec. 5-523. - Amended registration.

The owner of the lot required to register with the City of Peoria under section 5-521 of this article shall notify the city, within ten business days, of any change in the registration information by filling out an amended registration statement on a form provided by the City of Peoria for such purpose. There shall be no additional fee for filing an amended registration statement.

Sec. 5-524. - Registration records.

The City of Peoria shall maintain the dwelling registration records. These records shall consist of the registration information under sections 5-521 and 5-523 of this article.

Sec. 5-525. - Enforcement.

(a) The director of the department of community development shall enforce the provisions of this article and, in addition to any other remedies provided by law, may apply to the corporation counsel for prosecution of owners who fail to comply.

(b) The building official may refuse to issue any permit(s) required under this Code for any construction, alteration, installation, razing or other work done in or on any dwelling as defined in section 5-520, of this article, or any certificate of occupancy required under this Code for
such a dwelling, unless the owner(s) or other applicant for such permit(s) or certificate(s) presents either a current certificate of registration or a waiver of registration for the dwelling.

(c) The City of Peoria shall issue no real property transfer tax stamps for a transfer involving a dwelling as defined in section 5-520 of this chapter unless the grantee or purchaser presents either a current certificate of registration or a waiver of registration for the dwelling.

(d) No dwelling shall be rented or occupied by a non-owner or continue to be rented or occupied by a non-owner without a current registration as required by this article or if the registration for that dwelling unit has been suspended or revoked.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-526. - Penalties.

(a) Each day that any lot is not registered in accordance with the provisions of sections 5-521 and 5-523 this article shall constitute a separate and distinct violation.

(b) In addition to any of the penalties provided in this article, any person committing an offense under sections 5-521 or 5-523 of this article, shall, upon conviction thereof, be fined $300.00 for the first offense, and $500.00 for the second and each subsequent offense in any 180-day period.

(c) The intentional submission of false information on a registration statement or an amended registration statement filed pursuant to section 5-521 and 5-523 of this article shall be a violation punishable by a fine of not less than $300.00 nor more than $1,000.00. Each day that such violation remains uncorrected by the owner(s) shall constitute a separate and distinct violation.

(d) Violations of this article XIII on registration of lots shall constitute an ordinance violation and shall be pursued through the code hearing process set forth in Chapter 32. Registering your property and paying the applicable late fee and registration fee will be considered a defense for failure to register by applicable deadline as defined by this chapter.

(e) In addition to the penalties set forth above, the registration for the property may be suspended or revoked upon a finding by a hearing officer that:

(1) The dwelling is a chronic nuisance property as defined by chapter 20 of the Code; or

(2) The lot and/or dwelling has been found in violation of any section of the Code by the hearing officer within the previous 12-month period.

(f) If the registration of a property has been suspended all of the following conditions must be met before reinstatement:

(1) Compliance with all requirements of the police department pursuant to chapter 20 of the Code;

(2) All Code violations must be corrected and verified by the department of community development;

(3) The owner must pay all fines/fees/costs owed to the City of Peoria or its agents; and

(4) The owner must pay a reinstatement fee of $100.00.

(g) No dwelling that has had its registration revoked for cause after a hearing shall be rented or occupied by a non-owner for a period of one year after the revocation and until conditions prescribed in above subsection (f) have been met.
In addition to fine penalties imposed for any violations, the corporation counsel of the City of Peoria may commence a court action to obtain injunctive relief against an owner who fails to comply.

Sec. 5-527. - Notice of code violation.

By designating an authorized agent under the provisions of section 5-521 the owner is consenting to receive any and all notices of code violation concerning the registered lot and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered lot by service of the notice or process on the authorized agent.

(1) Any owner who has designated an authorized agent under the provisions of section 5-521 shall be deemed to consent to the continuation of the agent's designation for the purpose of this chapter until the owner notifies the department of community development of a change of authorized agent pursuant to section 5-523.

(2) Any owner who fails to register a lot under the provisions of section 5-521 and 5-523 of this chapter shall further be deemed to consent to receive by posting at the dwelling, any and all notices of code violations concerning the dwelling.

Sec. 5-528. - Exemptions from registration.

(a) Hotels, motels, short-term-rental units, hospitals, and units of local government or governmental agencies.

(b) Owners who occupy single-family dwellings or duplexes.

(c) Properties occupied by immediate family members of the property owner.

(d) Properties that are temporarily vacant for no more than six continuous months.

(e) Properties listed for sale.

(f) Properties mothballed per city Code.

(g) Properties in probate or similar estate settlement status.

Sec. 5-529. - Registration fee.

(a) Every owner registering a property pursuant to section 5-521 shall pay an annual registration fee for every lot required to be registered under section 5-521. Provided, however, that the annual registration fee shall be reduced to $75.00 for each property owner by the same legal deed holder if the property has met the following conditions:
• The property owner does not owe the City of Peoria any outstanding funds for any reason, including but not limited to fines, fees, city utility bills and back taxes on September 15 of the prior year registration.

• The property owner has not received a judgement or default related to a chapter 5 code violation via the City of Peoria Hearing Officer within the previous calendar year. Any defaults or judgements pending appeal will not be considered as part of this requirement for the current registration year.

• The property owner has not received a fine and found guilty of criminal housing management as defined by chapter 5 of the City of Peoria Code within a 24-month period.

• The property owner has not had a property that was deemed and convicted as a nuisance property per the City of Peoria Code.

If any of the above conditions are not met on any property owned by the same owner or entity, no properties will be allowed to receive the reduced registration amount. Property owners that do not meet the above conditions may attend the annual non-owner-occupied training session held by the City of Peoria to receive a reduced registration rate of $125.00 per property. The property owner, registered State of Illinois business agent, State of Illinois licensed property manager or immediate family member of the deed holder are the only people allowed to attend the training to represent the property and make the property eligible to receive the discounted rate. If a property owner is not eligible for the discount and does not attend the training, they will be required to pay a registration fee of $250.00 per property. Each property containing more than one unit will be required to pay an additional registration fee of $20.00 per additional unit up to the maximum of $5,000.00 per parcel.

For purposes of the section, each property identification number constitutes a single lot.

(b) The registration fee shall be reduced if the requirement to register becomes active in October, November or December of that calendar year. The property will pay a reduced rate of $50.00.

(c) The reduction of the registration fee as described in above subsection (a) will not be applicable if property or properties are registered after the March 1 deadline of that calendar year. The reduction of the registration fee is not applicable for registration fees imposed for additional units on the same parcel.

(d) No refund, or retroactive proration of any payment shall be made based upon the property becoming exempt subsequent to registration and payment of fee.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 5, 2-24-09; Ord. No. 16770, § 1, 11-22-11; Ord. No. 17306, § 1, 12-8-15; Ord. No. 17455, § 1, 4-11-17; Ord. No. 17549, § 1, 1-23-18; Ord. No. 17644, § 1, 12-11-18)

Sec. 5-530. - Severability.

If any section, subsection, paragraph, sentence, clause or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraph, sentences, clauses or words of this ordinance, and the applications thereof; and to that end the sections, subsections, paragraph, sentences, clauses, and words of this article, shall be deemed severable.
(Ord. No. 15736, § 1, 1-18-05)

ARTICLE XIV. - INSPECTION OF DWELLINGS

Footnotes:
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Sec. 5-531. - General.

(a) Every dwelling, along with all accessory structures located upon the same lot or a contiguous lot, which is required to be registered under section 5-521 of article XIII can be inspected systematically for compliance with this article. Systematic inspections of dwellings shall consist of both exterior and interior inspections. Exterior inspections shall include the dwelling and any accessory structures, and any environmental violations of chapter 13 of the Code of the City of Peoria. Interior inspections, however, shall be limited to the following health and life-threatening violations, unless city is made aware of additional interior violations:

LIFE SAFETY AND HEALTH REQUIREMENTS (More Information on code requirements can be found at http://www.peoriagov.org/code-enforcement/codeviolations/)

(1) **Smoke detectors.**
   a. All units and dwellings must be equipped with working smoke detectors based on the requirements of the adopted code standards of the City of Peoria.

(2) **Railings, balusters, and steps.**
   a. Open steps must include handrails and balusters as required.

(3) **Water heaters.**
   a. The water heater is operable and properly installed based on the requirements of the adopted code standards of the City of Peoria. This includes but is not limited (when applicable) to having a temperature and pressure relief valve, having a relief valve that is copper or galvanized pipe and terminates within six inches of the floor. In addition, the gas water heater cannot be located in a bedroom, bathroom and kitchen.

(4) **Heating facilities problems.**
   a. Heating facilities are present, approved, and in safe, operable condition based on the requirements of the adopted code standards of the City of Peoria. This includes but is not limited to vented material that has not deteriorated, the furnace not being in a sleeping room, having an operable gas service (when applicable) and ensuring the chimney is code compliant and free of deterioration (when applicable).

(5) **Supplied facilities.**
   a. The water supply lines are function[ing] and in proper working condition. The unit is supplied with potable water and all plumbing fixtures are supplied with hot and cold
water as necessary for normal operation. The sewer drain pipes are free of deterioration and in working condition.

(6) **Electrical.**
   a. The electric service adequately supplies the electric needs for the dwelling based on the requirements of the adopted code standards of the City of Peoria. The unit is free of exposer or bare wires. The panel board is labeled and a panel cover is installed. All light fixtures are in working condition and there are not extension cords inside the walls in place of outlets or permanent wires.

(7) **Kitchen.**
   a. The sink is connected to a water supply system.
   b. The sink is connected to a sewerage system.
   c. The sink is present and operable.

(8) **Bathroom—Water closet.**
   a. The toilet is operable and not in disrepair.

(9) **Bathroom.**
   a. The bathtub/shower is present and operable based on the requirements of the adopted code standards of the City of Peoria. The bathtub/shower cannot be soiled and it must be connected to a water system.

(10) **Exits.**
   a. The dwelling does have dual means of exit per code and in multiple dwellings of three stories or more, does have immediate access from doorway to two or more approved passageways.
   b. Each sleeping room meets the requirement of having at least one outside window accessible to rescue operations.
   c. All required outside windows and doors operable from the inside without the use of tools meets the following requirements:
      1. Provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area, and the bottom of the opening shall not be more than 44 inches off the floor.
      2. Such means of escape shall be acceptable if the window is within 20 feet of grade, or the window is directly accessible to fire department rescue apparatus as approved by the fire marshal, or the window or door opens onto an exterior balcony.
   d. Any required window above grade is not boarded, covered or secured which would prevent exit in case of an emergency.
   e. Any exit way must be free of debris as to allow free passage in or out of exits.
   f. All entry doors locks are working and in place based on the requirements of the adopted code standards of the City of Peoria. All other locks ad doors are equipped with locks based on the requirements of the adopted code standards of the City of Peoria.

(11) **General.**
a. The building (foundation, floor, exterior and interior wall, ceiling, inside and outside stair, porch) is code compliant and is capable of supporting the loads reasonably and normally placed thereon.

b. Debris is not stored around furnace or hot water heater.

c. The dwelling unit does not meet any of the designated criteria to be declared unfit for human habitation.

d. The dwelling unit or common areas is not free from vermin, insect, and rodent infestation.

(12) Over occupancy.

a. There are not more than three unrelated persons living together in a dwelling unit without administrative or council approval for group occupancy, pursuant to Appendix A of the City Code.

b. The occupancy of the dwelling unit does not exceed the maximum density, minimum space, use and location requirements of section 5-271 of article VI of this chapter.

(13) Required disclosures.

a. The owner is required to disclose to the tenant who is required to provide cooking appliances.

b. The owner is required to disclose and provide documentation if the property has received an administrative hearing officer judgement for chapter 5 violations in the last twelve months.

c. The owner is required to disclose and provide documentation if the property has been treated for an infestation of bed bugs in the last 12 months.

d. The owner is required to disclose and provide documentation if the property was found in violation of the Health Department Lead standards and received a test that required abatement in the last 24 months.

(b) The provisions of this section shall not apply to the following: hotels, motels, short-term-rental units, hospitals, and units of local government or other governmental agencies not subject to the housing code, building code, or zoning ordinance of the City of Peoria, owners who occupy single-family residences, duplexes and purchaser(s) pursuant to a contract for deed who occupy a single-family residence and the contract is duly recorded in the Office of Recorder of Deeds of Peoria County and owners of unoccupied residential property who have filed a signed affidavit with the department of community development affirming that the property is not occupied and no exterior violations exist. This affidavit must be renewed every six months. This exemption shall only be available to an owner for a 12-month period.

(c) When a nonresidential business or activity, or a state or federally licensed and inspected use occupies a portion of a building or premises which would otherwise be subject to this section, the provisions of this section shall be applicable to the residential and common or public areas of such building or premises.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17666, § 1, 3-12-19)

Sec. 5-532. - Frequency of inspections.
(a) All dwellings subject to this registration requirement set forth in article XIII (regardless of year built) shall be inspected by the landlord and tenant prior to the time at which the tenant moves in. The landlord and tenant shall review the property using a form provided by the director of community development and said form shall be filled out and signed by both the landlord and the tenant. If systematic inspections are to occur, in cases where an authorized agent other than the owner has been designated to receive notices of code violations pursuant to section 5-521, written notice of the date of the inspection shall be given to the agent and dwelling occupant at least 15 days prior to the date of the inspection. Otherwise, written notice of the date of inspection shall be given to the owner of the property as defined under section 5-520 and the dwelling unit occupant 15 days prior to the date of its inspection. Said notice shall advise the owner or authorized agent and occupant of the inspection, his/her right to refuse inspection of the dwelling unit, and the city's right to seek issuance of an administrative search warrant in the event of any such refusal. No inspection of an occupied dwelling shall occur without the consent of the tenant/occupant unless an administrative search warrant is obtained. It shall be the responsibility of the owner or the designated agent or the occupant to be present at the dwelling unit on the date and time of inspection to provide access for inspection. Property owners wishing to deny access to their property and wishing to have the city obtain an administrative search warrant shall provide the following to the city in writing for each property: (1) owner name and address (agent if applicable) and; (2) property address and tax identification number. The city will recognize and record these denials for access when the above information is provided for each property. An owner's denial of access shall not preclude a tenant from granting access.

(b) Nothing in this section shall preclude the inspection of any premises subject to this article more frequently than set forth in paragraph (a) above; provided, however, that any inspection more frequent than set forth in paragraph (a) above, shall be based upon a citizen complaint or other indicia that is more probable than not that a housing violation exists.

(c) In addition to the inspection pursuant to section 5-531(a), owners, with the consent of tenants/occupants, may request a full minimum housing code inspection pursuant to sections 5-165 through 5-271 hereunder for their rental properties. If, after inspection, the property is found to be in compliance with the full minimum housing code, photographs shall be taken by the inspector to verify that the property meets the minimum housing code. These pictures and the testimony of the inspector may be utilized by the landlord against any tenant who destroys or damages the landlord’s rental property.

(d) When a rental property becomes vacant, the owner may request, for his/her convenience, that the inspection pursuant to section 5-53(a) be performed during the vacancy. The city shall make every reasonable effort to comply with the request and perform said inspection during the vacancy. If the city is unable to perform the inspection during said vacancy, then the property remains subject to the inspection as set forth in this article.

(e) A property owner desiring to notify the city that access is denied, prior to a request for an inspection, may do so by advising the city in writing that they wish to deny access to their property and require the city to obtain an administrative search warrant. Said notice should be in writing and should contain the following information: (1) owner name and address (agent if applicable); and (2) property address and tax identification number. An owner’s denial of access shall not preclude a tenant from granting access.

(f) In addition, all dwellings subject to this registration requirement set forth in article XIII (regardless of year built) shall be inspected by the landlord/property owner and tenant prior to the time at which the tenant moves in. The landlord/property owner and tenant shall review the property using the form provide by the City of Peoria and said form shall be completed
and signed by both the landlord/property owner and tenant. The form must be provided to the City of Peoria within 24 hours of being requested. Property owners are required to disclose to the current tenant and any future/prospective tenants if they have a current administrative hearing office case for chapter 5 violations, if they have been convicted of criminal housing management or had any chapter 5 cases in the last 12 months that resulted in a fine. In addition to inspecting all items on the form and ensuring all issues are in compliance, all other information must be filled out completely. Property owners are required to provide tenants with a tenant right and responsibility form created by the City of Peoria as part of the self-inspection process.

The city will make every reasonable effort to recognize any other constitutionally recognized method of refusing access to a building but will recognize denials for access when the above information in provided for each property.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 6, 2-24-09; Ord. No. 17322, § 1, 2-9-16; Ord. No. 17645, § 1, 12-11-18; Ord. No. 17666, § 1, 3-12-19; Ord. No. 17729, § 1, 11-12-19)

Sec. 5-533. - Inspection certificate required.

Proof of registration of a dwelling under article XIII shall constitute a temporary certificate of inspection and shall authorize the owner to rent such dwelling; provided, however, that a registration renewal will supersede a pending violation of this article XIV.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 7, 2-24-09; Ord. No. 17666, § 1, 3-12-19)

Sec. 5-534. - Inspection procedure.

(a) Inspections required by the tenant and landlord prior to tenant occupancy will be documented on the inspection form provided by the director of community development. This inspection will consist of such portions of the interior health and life-threatening violations listed in section 5-531 as the director of community development deems appropriate, and which are listed on the form. This inspection form will be the responsibility of the landlord to maintain and [be] made readily available at the request of the city. Failure to provide the inspection form within 24 hours at the request of the city will result in a fine of not less than $200.00 nor more than $500.00.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 8, 2-24-09; Ord. No. 17666, § 1, 3-12-19; Ord. No. 17729, § 1, 11-12-19)

Sec. 5-535. - Reserved.


Sec. 5-536. - Fee schedule.

The following fee schedule is imposed in connection with the inspection and re-inspection of a dwelling or dwellings:

(1) Initial inspection and the first reinspection fees are waived.
Re-inspection Fee

(2) When any subsequent re-inspection is required an additional $100.00 re-inspection fee will be charged for each unit that is re-inspected.

(3) For the purposes of this subsection, dwelling unit shall mean a single unit providing complete independent living facilities for one or more persons including permanent provision for living, sleeping, eating, cooking and sanitation.

(4) The owner as defined under section 5-520 of article XIII shall be responsible for payment of the inspection fee(s) hereunder.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 10, 2-24-09)

Sec. 5-537. - Certificate availability.

Upon request of an existing or prospective tenant, the owner or designated agent shall produce a copy of the previous registration form and the last self-inspection form on record.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17666, § 1, 3-12-19)

Sec. 5-538. - Suspension or revocation of certification.

If the director of community development or his designee determines that any applicable city code or ordinance has been violated after notice of such violation(s) has been given and the time allowed to correct any such violation under section 5-534 has expired, he/she may suspend or revoke the certificate of inspection. In addition, the director shall have the authority to suspend or revoke a certificate of inspection in the event that the owner fails to register the dwelling as required under section 5-521 and 5-523 of article XIII.

(Ord. No. 15736, § 1, 1-18-05)

Sec. 5-539. - Penalties.

(a) It shall be unlawful for any person to occupy, lease or cause to be leased any dwelling without self-inspection form required under section 5-533. Each day that any dwelling does not have the self-inspection form required hereunder shall constitute a separate and distinct violation.

(b) Any person committing a violation under section 5-533 of this chapter, shall, upon conviction thereof, be fined not less than $100.00 nor more than $500.00 for each day that said violation is proven to exist.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17666, § 1, 3-12-19)

Sec. 5-540. - Appeal process.

Any owner or other person aggrieved by any action taken by the city pursuant to this Article XIV may request a review by or may make an appeal to the administrative hearing officer. Upon receipt of the request or appeal, hearing officer shall hear and consider the matter. The owners shall have the right to appear and be represented by counsel. The hearing shall be held within 45 days after a request is received by the administrative hearing officer.
Sec. 5-541. - Filing of decision with director of community development, copy to be sent to appellant.

Every decision of the administrative hearing officer shall be promptly filed in the department of community development. A copy of the decision shall be sent by mail or otherwise to the person appealing.

Sec. 5-542. - Proceedings to be public records

The proceedings at the hearings held pursuant to this article, including the findings and decision of the hearing officer and the reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the legal department. The record shall also include a copy of every notice and order issued in connection with the matter.

Sec. 5-543. - Other actions.

Nothing in this article shall prevent the city from taking action under any applicable city code or ordinance for any violation thereof or limit the right or authority of the city to seek injunctive relief or other appropriate legal remedy for any violation of such code or ordinance.

Sec. 5-544. - Severability.

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this article that can be given effect without the invalid provision, and for this purpose the provisions of this article are hereby declared to be serviceable.
Attachment D: Self-Inspection Form
City of Peoria – Short Term Rental Self-Inspection Form

Property Owner Information

Name: _________________________________________________________________________

24- Hour Emergency Contact Phone Number:   _________________________________________________________________________

Home Mailing Address:   __________________________________________________________

Email Address: ____________________________________________________________________

Short Term Rental (STR) Information (Please Print)

Address of STR: ____________________________________________________________________

Unit Number (if applicable): __________ Number of Bedrooms: __________

Each item on the checklist must be completed by the property owner. If an item isn’t applicable, please indicate as such.

<table>
<thead>
<tr>
<th>Required Items</th>
<th>2012 IMPC Section (Blue Gray Section)</th>
<th>Owners’ Initials in white sections to verify compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Smoke Detectors</strong></td>
<td>Sec. 704.2</td>
<td></td>
</tr>
<tr>
<td>All units must be equipped with working smoke detectors and carbon monoxide detectors based on the requirements of the adopted code standards.</td>
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<tr>
<td><strong>Railings, Balusters, and Steps</strong></td>
<td>Sec. 304.12 and Sec 307.1</td>
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<tr>
<td>Every interior and exterior flight of stairs with more than four risers shall have a handrail on one side.</td>
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<tr>
<td><strong>Water Heaters</strong></td>
<td>Sec. 505.4</td>
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<tr>
<td>The water heater is operable and properly installed. This includes but is not limited to (when applicable) having a temperature and pressure relief valve that is copper or galvanized pipe and terminates within six inches of the floor. In addition, the gas water heater cannot be in a bedroom, bathroom, or kitchen.</td>
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<tr>
<td><strong>Heating Facilities</strong></td>
<td>Sec. 602.2</td>
<td></td>
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<tr>
<td>Heating facilities are present, approved, and in safe, operable condition. This includes but is not limited to vented material that has not deteriorated, the furnace not being in a sleeping room, having an operable gas service (when applicable) and ensuring the chimney is code compliant and free of deterioration (when applicable)</td>
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<tr>
<td><strong>Supplied Facilities</strong></td>
<td>Sec. 505.3</td>
<td></td>
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<tr>
<td>The water supply lines are functioning and in proper working condition. The unit is supplied with potable water and all plumbing fixtures are supplied with hot and cold water as necessary for normal operation. The sewer drain pipes are free of deterioration and in working condition.</td>
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</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td></td>
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<tr>
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<tr>
<td>Electrical Sec. 604 and Sec. 605</td>
<td>The electrical service adequately supplies the electric needs for the dwelling. The unit is free of exposed or bare wires. The panel is labeled, and a panel cover is installed. All light fixtures are in working condition and extension cords are not used inside the walls in place of outlets or permanent wires.</td>
<td></td>
</tr>
<tr>
<td>Kitchen Sec. 502.1, Sec. 505.1 and Sec. 506.1</td>
<td>The sink is connected to a water supply system. The sink is connected to a sewerage system. The sink is present and operable.</td>
<td></td>
</tr>
<tr>
<td>Bathroom (Water Closet) Sec. 504.1</td>
<td>The toilet is operable and not in disrepair.</td>
<td></td>
</tr>
<tr>
<td>Bathroom Sec. 502.1</td>
<td>The bathtub/shower is present and operable. The bathtub/shower cannot be soiled, and it must be connected to a water system.</td>
<td></td>
</tr>
</tbody>
</table>
| Exits Sec. 702 | The dwelling does have dual means of exit per code. In multiple dwellings of three stories or more, there is immediate access from the doorway to two or more approved passageways. Each sleeping room meets the requirement of having at least one outside window accessible for rescue operations. All required outside windows and doors are operable from the inside without the use of tools and meet the following requirements:  
  a. It provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor.  
  b. Such means of escape shall be acceptable if the window is within 20 feet of grade, or the window is directly accessible to the fire department rescue apparatus as approved by the fire marshal, or the window or door opens onto an exterior balcony.  
  c. Any required window above grade is not boarded, covered or secured which would prevent exit in case of an emergency.  
  d. Any exit way must be free of debris to allow free passage in or out.  
  e. All entry doors locks are working and in place. All other windows and doors are equipped with locks as required. |
| General Sec. 304 | The building (foundation, floors, exterior and interior walls, ceiling, inside and outside stairs, porches) is code compliant and can support the loads reasonably and normally placed thereon. Debris is not stored around the furnace or hot water heater. The dwelling unit does not meet any of the designated criteria to be declared unfit for human habitation. The dwelling unit and common areas are free from vermin, insect, and rodent infestation. |

I certify that I have inspected the above-listed unit and that the information above is true and all items comply with applicable codes and regulations.

__________________________  __________________________
Signature of Property Owner  Date

An inspection form must be included with the annual license application.
MEETING MINUTES
FOR THE
PUBLIC MEETING REGARDING A PROPOSED TEXT AMENDMENT RELATED TO SHORT TERM RENTALS

A public meeting was held Monday, December 9, 2019 beginning at 6:00 PM in City Hall, Room 400, 419 Fulton Street, Peoria IL.

Director of Community Development Ross Black opened the public meeting at 6:00 PM.

Council members John Kelly, Zach Oyler, Sid Ruckriegel were present. Fourteen members of the public were present.

Mr. Black gave an overview of the purpose and intent of the proposed text amendment.

Council member Jim Montelongo arrived.

Mr. Black summarized the recommendation that was sent to the Planning and Zoning Commission as well as an alternative administrative approval process that could be sent to the commission. Mr. Black explained the timeline for review of a text amendment.

Mr. Black opened the meeting to public comment. The following comments or questions were made from those in attendance. Questions are followed by the response made at the hearing.

- Has the City researched the number of short term rentals in the city limits?
  - Presently, short term rental use is illegal. Initial review of short term rental host websites revealed several dozen listings in the city. Staff began research of the use after the request of council members, after receiving an increase in inquiries about starting the use, and after receiving an increase in complaints about the use.
- Is the use illegal or is it just not regulated?
  - The City of Peoria Unified Development Code is a permissible ordinance. If the use is not listed, it cannot be done. The City supports short term rental as a use. The intent of the proposed ordinance is to establish a level playing field to allow the use.
- A citizen in the Randolph Roanoke Residential Association shared her experience with hosting a short term rental from her residence. She said the association supports her use. She questioned how the proposed text amendment would affect her use.
  - If the use is a bed and breakfast, she would follow existing regulations on bed and breakfast, which requires special use approval.
  - If the use is a short term rental, there is currently no regulation. The intent of the proposed ordinance is to establish a level playing field to allow the short term rental.
- What is the difference between short term rental nuisance and long term rental nuisance?
  - The City is not proposing any changes to the nuisance code. The same rules would apply to either type of use.
- What are the types of complaints and how many?
  - Community Development Department alone has received approximately 6 complaints in the last 2-3 months. Complaints are about noise, traffic, over
occupancy. The zoning code prohibits more than 3 unrelated adults in a dwelling. If regulations are in place for the short term rental use, it will be easier for staff to respond to complaints.

- A citizen of Peoria shared his experience with hosting two short term rentals and with staying at short term rentals in other cities.
- What is the fee for hotel tax? Do short term rental host sites pay the tax to communities?
  - The City of Peoria hotel/motel tax rate is 8% per night. There is also a state hotel tax that currently applies to all short term rentals. Host sites sometimes collect and remit the tax to the local jurisdiction.
- What would all the fees be for a short term rental?
  - The proposed text amendment recommends the hotel tax be required for a property used as a short term rental. The non owner occupied registration fee would not be imposed.
- A citizen of Peoria shared her experience with hosting properties in the East Bluff. She is concerned regulating short term rentals is duplicating the regulations made by Airbnb. The hospitality and property maintenance she provides in the East Bluff is a benefit to the East Bluff and the city.
- A citizen of Peoria expressed an understanding for the need to create regulations but is concerned about the unintended consequences. He is also concerned regulations will not stop some the complaints.
- A citizen of Peoria shared her experience with hosting a property in Weaver Ridge. She is concerned any additional fee might close down short term rentals. Short term rentals are a positive use. Owner needs to maintain the property in order to attract the next guest. She has not received any complaints from her neighbors. She is confused and frustrated by an anonymous complaint.
- A citizen of Peoria expressed concern with regulating the use that is neither commercial nor residential. The use has economic benefits. Nuisance complaints should be addressed by police instead of changing regulations.
- A citizen, commenting for a second time, is concerned the cost of a special use will discourage the use. If taxed, the tax amount should not be the same as a hotel.
- Is the proposed text amendment different from that which was brought to the Planning & Zoning Commission in November?
  - The recommendation discussed at this meeting is the same as the recommendation to the Commission in November. The Commission requested this meeting be held before hearing more on the recommendation. The administrative approval option, discussed tonight, was not brought to the Commission in November.
- Will the non owner occupied registration fee and hotel/motel tax be imposed on short term rentals?
  - The intent of the proposed text amendment is for one or the other.
- Is the hotel/motel tax collected only for stays less than 30 days? Need to include changes to definitions in the tax code.
  - Yes. For example, extended stay hotels do not pay the hotel/motel tax for the longer stays.
• Would a property owner that wants to rent out the house for only one week a year still need to obtain a special use?
  o Such case requires refinement of the proposed text amendment
• Will the City hire a new staff member?
  o The need for a staff member will depend on the final ordinance. If the ordinance requires payment of hotel tax and no other change, then more staff is not needed. If the ordinance is staff intensive then the City may need a new staff member.
• A citizen of Peoria appreciated the public meeting. The proposed text amendment needs to consider the cost/benefit of imposing a tax or registration fee and impact on staff time. Need to keep the changes simple and allow neighborhoods to be showcased.
• A citizen commenting for a third time, shared his experience hosting property. Expressed concern priorities should be to address unkempt property over short term rentals that provide a benefit.
• A citizen, commenting for a second time, shared short term rental hosts can screen guests.
• What happens to existing short term rentals?
  o If the use is for stays less than 30 days, the owner/operator will need to meet the new standards. A use that was not legal to start cannot be grandfathered in.
• A citizen, commenting for a second time, suggested instead of new regulations, license the use.
• A citizen, commenting for a second time, expressed concern for absentee owners/operators.
• President of the Peoria Area Landlord Association requested the association be invited to participate in any redrafting of the proposed text amendment.
• A citizen, shared her experience with hosting property. She questioned how the hotel/motel tax is used, what staff would be inspecting. She expressed the host for short term rentals receive ratings so must keep property safe.
  o The City of Peoria hotel/motel tax is used to fund events in the city meant to attract visitors. Collecting the hotel/motel tax from short term rentals is the most common approach by municipalities.
• A citizen, commenting for a third time, stated Airbnb defines a host as a landlord.
• In the proposed text amendment, are the first three performance standards required of all houses?
  o Yes. Often regulations are needed to respond to the worst case scenarios. Not all properties are maintained the same.

Mr. Black summarized to the public that comments tonight indicate the concern is about the level and type of regulation but those in the room are not opposed to a registration and fee.

• A citizen, commenting for a third time, suggested staff consider the ordinance in Champaign. He expressed concern the reason for proposing changes is the use is now happening in affluent areas of the city. He suggested including short term rentals in the existing non owner occupied registration.
• A citizen, commenting for a third time, suggested staff consider the ordinance in Peoria Heights.
With no further comment, Mr. Black thanked those in attendance. Comments and any changes to the recommendation will be sent to the Planning & Zoning Commission hearing on January 6, 2020. The meeting was closed at 7:30 PM.