



**TO:** The Honorable Mayor and the City Council

**FROM:** Ty Livingston, Director of Planning & Community Development

**DATE:** May 12, 2020

**SUBJECT:** Petition of the City of East Peoria to amend the City Code section 5-10-2 to permit the limited processing and freezing of fish within an enclosed building as a Special Use in M-1, Manufacturing district, limited.

**BACKGROUND:**

After many years of working with various regional and state agencies, the City has the potential to host the first substantive effort to manage, and benefit from, the Asian carp population in the Illinois River. In order to facilitate this effort, the current city code does not offer a reasonable approach to how to manage these operations. To that end, the code change here would permit limited fish processing operations, all within an enclosed building, as a Special Use in M-1 zoning. As much of the City's zoning along North Main Street is M-1 and it is adjacent to the Illinois River, it makes sense to focus this use along this corridor.

At their meeting, the ZBA voted 7-0 to recommend approval of this code change.

**RECOMMENDATION:** Approval, as presented.

**ORDINANCE NO. 4499**

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 10, SECTION 2  
OF THE ZONING CODE FOR THE CITY OF EAST PEORIA REGARDING  
PERMITTED SPECIAL USES IN M-1 MANUFACTURING DISTRICTS**

**WHEREAS**, the City of East Peoria has proposed an amendment to certain zoning regulations found at Title 5, Chapter 10, Section 2 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

**WHEREAS**, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendments; and

**WHEREAS**, the City Council finds that adoption of the proposed amendments would serve the best interests of the City of East Peoria and its citizens;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA,  
TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** Title 5, Chapter 10, Section 2(b) of the East Peoria City Code pertaining to permitted special uses within the M-1, Manufacturing District is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

(b) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of section 5-11-10 of this title:

- (1) Any use not listed above which is permitted in B-2 and B-3 districts.
- (2) Bulk storage, sale and distribution of flammable liquids, fats or oils in tanks.
- (3) Bus or truck garage, storage yard and terminal.
- (4) Open-air storage, sale and distribution of solid fuels or contractors' equipment; provided that all outdoor storage areas are fully enclosed by solid fencing or walls not less than nine (9) feet in height and not nearer than fifty (50) feet to any public street or highway right-of-way.
- (5) Airports and heliports.
- (6) Planned industrial developments as defined in chapter 12 of this title.

- (7) Junkyards or automobile wrecking yards; provided that all outdoor storage areas are fully enclosed by solid fencing or walls not less than nine (9) feet in height and not nearer than fifty (50) feet to any public street or right-of-way.
- (8) Storage of any materials which are not noxious, toxic, corrosive, explosive, or which constitute refuse as defined in chapter 9-6.
- (9) Off-premises signs as defined in title 4, chapter 7.
- (10) Towers complying with the provisions of title 4.
- (11) The outdoor storage or display of materials, goods or products outside of the boundary of a scenic area.
- (12) The outdoor storage or display of materials, goods or products within the boundary of a scenic area.
- (13) Certain construction activities within a steep slope zone in accordance with the provisions of chapter 17 of this title.
- (14) The siting and construction of a small wind energy conversion system which complies with the Wind Energy Code.
- (15) On-premises automatic changeable copy signs, provided that all of the following conditions are met:
  - a. The sign is a freestanding sign located on a parcel having an area of thirty (30) acres or more.
  - b. Any property line of the parcel is located within two hundred (200) feet of the right-of-way line of Interstate Route 74.
  - c. The copy area of the sign does not exceed six hundred seventy-two (672) square feet.
  - d. Such other limitations as are necessary to minimize the adverse impact of the sign on either the public health, safety and welfare or on the quiet enjoyment of nearby property.
  - e. The sign must comply with any and all standards imposed by the Sign Code of the City of East Peoria which are not inconsistent with the conditions imposed in this subsection which authorizes automatic changeable copy signs.
- (16) Craft distilleries.

- (17) Electric fences constructed in accordance with title 4, chapter 18 of the East Peoria City Code.
- (18) Medical cannabis cultivation center but only under the following conditions:
  - a. No such cultivation center shall be located within two thousand five hundred (2,500) feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, public park, public library, residential substance abuse treatment facility, place of worship, or an area zoned for residential use.
  - b. No person shall reside in or permit any person to reside in a cultivation center.
  - c. No person under the age of eighteen (18) shall be allowed to enter a cultivation center unless accompanied by a parent or guardian.
  - d. Drive-through services shall be prohibited.
  - e. Outdoor seating areas shall be prohibited.
  - f. Consumption of medical cannabis on the premises, including the parking area shall be prohibited.
  - g. Hours of operation shall be not earlier than 8:00 a.m. and not later than 7:00 p.m.
  - h. Any such cultivation center shall be operated in compliance with applicable federal, state and local laws and regulations.
- (19) Medical cannabis dispensing organization but only under the following conditions:
  - a. No such dispensing organization shall be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, public library, residential substance abuse treatment facility or place of worship.

- b. No dispensing organization shall be located in a house, apartment, condominium or physician's office.
  - c. No person shall reside in or permit any person to reside in a dispensing organization.
  - d. No person under the age of eighteen (18) shall be allowed to enter a dispensing organization unless accompanied by a parent or guardian.
  - e. Drive-through services shall be prohibited.
  - f. Outdoor seating areas shall be prohibited.
  - g. Consumption of medical cannabis on the premises, including the parking area shall be prohibited.
  - h. Hours of operation shall be not earlier than 8:00 a.m. and not later than 7:00 p.m.
  - i. Any such dispensing organization shall be operated in compliance with applicable federal, state and local laws and regulations.
- (20) The siting and construction of solar energy systems which under the Solar Energy Code require a special use under the provisions of title 4, chapter 19.
- (21) Massage establishments but only under the following conditions:
- a. No such massage establishment shall be located within one thousand (1,000) feet of another massage establishment; and
  - b. No such massage establishment shall be located in a building or structure which contains a business that sells or dispenses alcoholic beverages in any manner.
- (22) Limited processing and freezing of fish within a completely enclosed building provided that such processing operations shall not emit noxious or offensive odors.

**Section 2.** This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies

hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 3.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
Corporation Counsel