



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: August 11, 2020

SUBJECT: Petition of Larry and Susan Overcash for a Special Use to allow for the limited keeping of livestock (horses) on property located at 400 Cimmeron Dr.

BACKGROUND:

The petition here is to allow the keeping of horses on this property. Back in 2013, a Special Use was approved under ordinance #4108 to allow up to 10 horses at a time but it was never acted upon. Staff still supports this request as it's consistent with the intent of the ordinance given the location and limited adjacent development (or potential for it).

At their meeting, the ZBA voted 5-0 to recommend approval of the Special Use with the conditions that not more than six horses be permitted (the petitioner initially asked for 2), all areas where horses are to be kept on the property are at least 200' away from neighboring properties and the petitioners have up to 3 years to enact the Special Use.

RECOMMENDATION: Approval, as presented with the conditions detailed above.

ORDINANCE NO. 4517

**AN ORDINANCE AUTHORIZING AN ADDITIONAL SPECIAL USE
FOR PROPERTY LOCATED AT 400 CIMMERON DRIVE
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, Larry and Susan Overcash (the "Petitioners") have petitioned for a special use to allow the keeping of certain livestock, being horses, on their property zoned "C, Conservation and Residential Estate District" and located at 400 Cimmeron Drive in East Peoria, as shown and described at "Exhibit A", attached hereto and incorporated herein by reference (which property as so described hereinafter referred to as the "Property"); and

WHEREAS, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

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

Section 1. A Special Use to allow the keeping of certain livestock, being horses, on the Property is hereby approved.

Section 2. The establishment and continuation of the special use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Not more than six (6) horses may be kept, present, housed, or stabled on the Property at any one time.
2. No enclosure containing horses and no structure housing or stabling horses shall be located on the Property within two hundred (200) feet of any neighboring or adjacent properties.
3. Petitioners shall begin the keeping of horses on the Property no later than three (3) years after the date of this Ordinance. If such use is not initiated and continuously maintained within the three-year period after the approval of this Ordinance, the special use granted by this Ordinance shall terminate three (3) years after the date of this Ordinance.
4. Petitioners shall comply with all required provisions regarding the keeping of livestock as a special use on the Property, which includes maintaining all livestock enclosures and structures in a clean and sanitary condition,

preventing the accumulation of manure, and managing odors related to the livestock.

Upon the violation of or failure to comply with the foregoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

Section 3. 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 4. 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 5. 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

EXHIBIT A

Map of Location of Special Use (400 Cimмерon Drive)

Case 20-SU-21
400 Cimмерon Dr.
Larry & Sue Overcash

Exhibit "A"

Legal Description: P.I.N.: 05-05-10-208-004

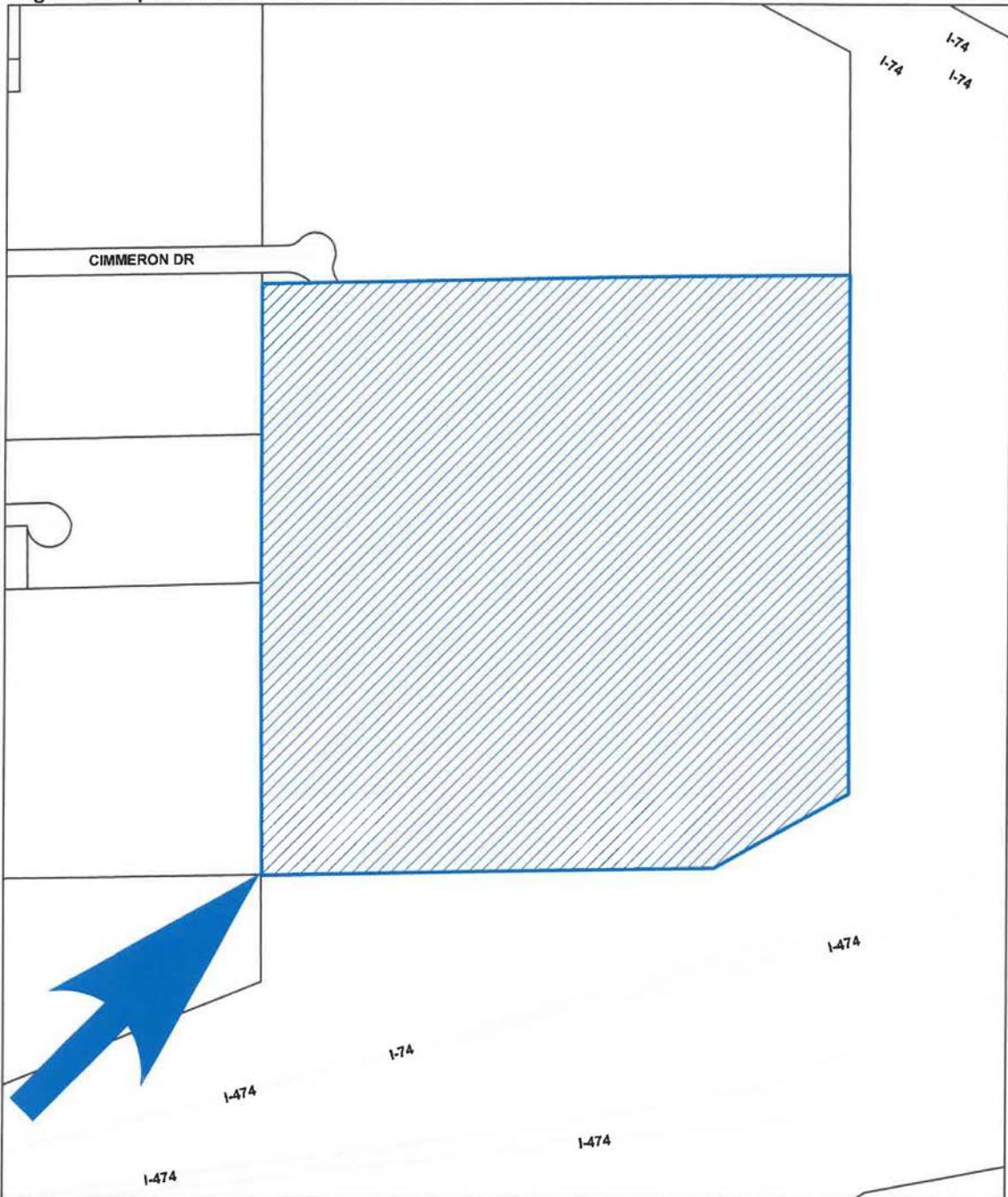
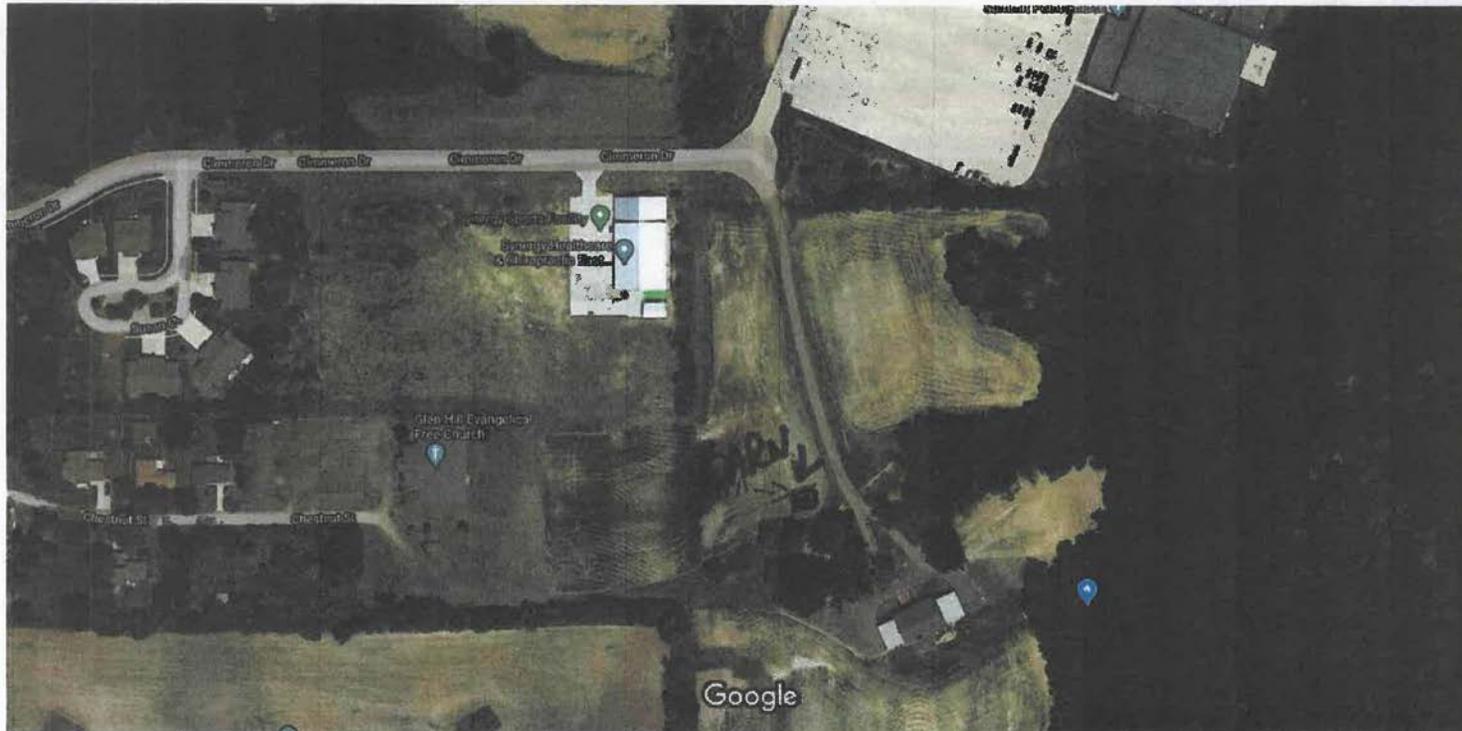


EXHIBIT B

Site Plan for Special Use (400 Cimмерon Drive)

Google Maps



from home to proposed site: 240 ft
from barn to Cimmeron Dr: 430 ft
from barn to neighbor (Synergy): 214 ft

Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 100 ft