



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: September 29, 2020

SUBJECT: Petition of the City of East Peoria to amend Title 5, Chapter 8, Section 2 of the East Peoria City Code addressing Special Uses in Conservation and Residential Estate District Zoning.

BACKGROUND:

The petitioner, the City in this case, is requesting a code change to permit tree farming as a Special Use. Essentially, the code change would establish a Special Use in the City's conservation zoning district that would allow for the felling, harvesting and minimal processing of trees which will improve conservation efforts – particularly in our steep slope areas of the community. Staff anticipates any proposal applying for this Special Use would receive appropriate conditions to minimize any adverse impacts on neighboring properties (e.g., hours of operation, frequency of tree harvesting and truck access).

At their meeting, the ZBA voted 5-0 to recommend approval of the code change with the clarification that the 10-acre minimum lot size for such uses must be contiguous property. This change has been made in the ordinance being presented.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4519

**AN ORDINANCE AMENDING ZONING REGULATIONS
IN TITLE 5 OF THE EAST PEORIA CITY CODE
FOR SPECIAL USES ALLOWED IN CONSERVATION DISTRICTS**

WHEREAS, the City of East Peoria has proposed amendments to certain zoning regulations found at Title 5 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

WHEREAS, the City Council has determined that tree farming uses in the City's zoning district for "C Conservation and Residential Estate District" is a use that is harmonious with the conservation nature of this zoning district when properly done on a small scale and in compliance with a forestation plan approved by the Illinois Department of Natural Resources; and

WHEREAS, after holding a public hearing on September 14, 2020, pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendment; and

WHEREAS, the City Council finds that adoption of the proposed amendment to the City's zoning regulations would serve the best interests and the public good of the City of East Peoria and its citizens;

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

Section 1. New Section 2(b)(25) is hereby added to Title 5, Chapter 8 of the East Peoria City Code as follows:

5-8-2. Conservation and residential estate district.

(b) *Special uses:*

(25) Tree Farming:

- a. As used herein, "tree farming" shall be the felling, harvesting, and minimal processing of trees on the zoning lot or lots upon which this activity is being conducted.
- b. The zoning lot or lots upon which the tree farming activity is being conducted must have an area of not less than ten (10) contiguous acres.

- c. A principal structure for use in the tree farming operations may be constructed on a zoning lot being used for tree farming activities.
- d. The tree farming activities must be conducted in compliance with a forestation plan approved by the Illinois Department of Natural Resources or other similar entity.

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. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

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