



TO: The Honorable Mayor and City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: July 13, 2022

SUBJECT: Petition of the City of East Peoria to amend the City's Zoning Code Section 5-10-2 to permit a low-emission incinerator as a Special Use in the M-1 zoning district.

BACKGROUND: The petition here is to update code language to reflect modern incinerators. As it is currently written, incinerators are only permitted in M-2 as a Special Use and only ones that burn household waste appear to be contemplated. The proposal here would be to allow low-emission incinerators as a Special Use in M-1 which is a more prevalent zoning in the City. As staff understands, these incinerators are largely self-contained with very little output other than heat and minimal smoke. The Fire Department has reviewed the literature available on these units and is comfortable with their placement in certain situations.

The ZBA recommends approval (4-0) of the proposed code change.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4664

**AN ORDINANCE AMENDING ZONING REGULATIONS
IN TITLE 5 OF THE EAST PEORIA CITY CODE
FOR SPECIAL USES ALLOWED IN M-1 MANUFACTURING 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 has been requested to review and consider allowing low-emission incinerators as a permitted special use in the City's zoning district for M-1 Manufacturing District, Limited, as low-emission incinerators can now be manufactured as a self-contained unit that emits very minimal smoke and ash; and

WHEREAS, the City's Fire Department has reviewed these low-emission incinerator units and has determined that these units do emit limited smoke and particulate material and thus can be a permitted special use on property zoned as M-1 Manufacturing District provided these incinerator units are properly placed on the property with sufficient distance from any structures or outdoor storage; and

WHEREAS, after holding a public hearing on July 11, 2022, 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)(23) is hereby added to Title 5, Chapter 10 of the East Peoria City Code as follows:

5-10-2. M-1 Manufacturing district, limited.

- (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:
- (23) Low-emission incinerator with unit and on-site placement approved by the Fire Department prior to use. A "low-emission" incinerator is an incinerator that produces a

reduced amount of smoke and particulate matter during the burning process by use of an air curtain or similar technology.

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 _____, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel