

7.0 Overlay Districts

7.1 NEIGHBORHOOD CONSERVATION

7.1.1 Intent Statement

The designation of the Neighborhood Conservation Overlay District (oNC) is intended to ensure the conservation and improvement of buildings and neighborhoods which, in their aggregate or individually, are of special community and neighborhood significance. In addition, the overlay district is intended to provide a framework that will encourage and provide incentives for property owners in designated older areas to maintain their property, environment and the integrity of their neighborhood, conserve important components of the City's housing stock and protect property values. The maintenance provisions of this development code are not only designed to generally promote the health and safety of the community, and its residents, but also to encourage the preservation and restoration of the amenities which were originally present in each designated neighborhood. The purpose of the district includes the following specific objectives:

- A.** Encourage proper maintenance, preservation, protection and enhancement of original neighborhood character and streetscape in older neighborhoods;
- B.** Foster neighborhood and civic pride in the older neighborhoods and historic areas of the City;
- C.** Encourage compatible new construction, rehabilitation and alterations to existing structures;
- D.** Enhance the visual and aesthetic character, diversity and interest of the City;
- E.** Encourage rehabilitation and preservation or return of owner-occupancy of residential structures in certain areas where the owner-occupied structures designed as single family dwellings have been or are in danger of being converted to multiple dwellings in a manner which may adversely affect their immediate neighborhood;
- F.** Strengthen the City's and neighborhood's economy;
- G.** Enable economic use of older structures in a manner compatible with residential values;
- H.** Protect neighborhood property values;
- I.** Protect against the introduction and spread of slum and blighting conditions.

7.1.2 Designation

The City Council may, in the manner provided for amending this development code, designate specific areas as oNC Overlay District when such areas are consistent with the standards set forth below, and with the provision of a Neighborhood Conservation Plan adopted by the City Council as part of the Comprehensive Plan. The standards for determining whether an area should be designated are as follows:

- A.** Neighborhoods that contain an older housing stock which are in need of upgrading and rehabilitation, and areas which are deteriorating due to overcrowding, inappropriate conversions, nonconforming use and excessive economic speculation;
- B.** Neighborhoods that contain buildings or structures which individually or collectively represent a distinguishable entity of local historic, cultural or architectural significance; or represent a historical character in terms of common neighborhood living style, date of origin, lot size, building type and architectural style and character;
- C.** Neighborhoods adjacent to landmarks, buildings, or structures, or designated historic districts having important historic, architectural or cultural interest; or
- D.** Neighborhoods that offer or have the potential to offer suitable and decent housing at affordable prices for City residents.

7.1.3 Application of the District

- A. Any oNC district designated by the City Council shall be shown as an overlay to the existing underlying district with the designation oNC on the Zoning District Map, as amended. The provisions of the Neighborhood Overlay Plan for the district and the provisions of this development code shall serve as a supplement to the underlying district regulations. The oNC district is not limited to residential underlying districts and may be applied to the following districts within the Heart of Peoria: R1, R2, R3, R4, R6, R7, R8, CN, CG, B1, I1, I2, and I3.
- B. Except where specifically altered in this oNC Overlay District, or by ordinance adopting or amending the Overlay District Designation for any specific area, the uses, housing types, minimum lot and yard requirements, maximum height, accessory uses and signs shall be determined by the regulations applicable to the underlying district over which the oNC district is superimposed.

7.1.4 Specific Provisions for Neighborhood Plan

Any Neighborhood Conservation Plan adopted pursuant to this development code shall be an amendment to the City's Comprehensive Plan and shall be adopted in the same manner as any other amendment to the Comprehensive Plan. Each Neighborhood Conservation Plan shall include but not be limited to a description of the character of the neighborhood sought to be conserved or restored, the economic or residential function of the neighborhood, the slum and blighting conditions sought to be avoided, if any, and the policies to be adopted to remedy the specific conditions in the neighborhood which result in the need for a Neighborhood Conservation Plan.

7.1.5 Neighborhood Regulations

At the time any neighborhood is designated as an area subject to the provisions of this development code, the City Council may adopt specific regulations which shall apply to the neighborhood. It is anticipated that different neighborhoods will be subject to differing regulations. Such regulations shall be consistent with the Neighborhood Conservation Plan which applies to the neighborhood so designated, and shall become amendments to this development code.

7.1.6 Certification of Appropriateness Required

Except as otherwise provided for in this development code, it shall be unlawful for any person, firm, corporation or other legal entity to:

- A. Construct, reconstruct, alter, move, rehabilitate or demolish part of a building or structure within any Neighborhood Conservation Overlay District, or to cause or permit such work to be performed; or
- B. Use any building or structure originally constructed for use as a single dwelling unit for any other use except legal home occupations after one year from the designation of this overlay district; unless and until the Site Plan Review Board has issued a Certificate of Appropriateness specifically authorizing such work.
- C. The Zoning Commission may grant a Certificate of Appropriateness for an oNC Special Exception. The Zoning Commission may only grant a Certificate of Appropriateness for an oNC Special Exception in those specific instances where it finds that the petitioner's application meets the standards established in the Neighborhood Plan for the neighborhood and is specifically listed as an allowable exception use in 7.1.8. The Zoning Commission will review applications and recommendations from the Site Plan Review Board with respect to oNC Special Exceptions under regulations governing Neighborhood Conservation Districts, hold public hearings thereon, and make a final determination as to whether such special exception should be granted or denied.
- D. Building or Structural Alterations. Any exterior alteration, change, addition, removal or demolition of part or all of a structure shall be reviewed for conformance with the standards of this overlay district listed below in 7.1.9 and if approved by the Site Plan Review Board, shall be granted a Certificate of Appropriateness.
- E. Specific actions requiring a Certificate of Appropriateness are listed below:

1. Erection of new buildings or structures;
 2. Demolition of all or part of an existing building or structure;
 3. Moving a building or structure;
 4. Structural enlargement of a building or structure;
 5. Exterior rehabilitation of an existing building or structure;
 6. Enclosure or removal of a porch;
 7. Construction of an off-street parking facility;
 8. Alteration of architectural details including windows, doors, railings, or siding; and
 9. Exterior walks, driveways, or stairs.
- F. The provisions of this section shall apply whether or not the work would require a building permit from the Department of Inspections. However, this section shall not be construed to prevent the ordinary maintenance of any building, or structure in the overlay district.
- G. Ordinary maintenance shall include such things as painting, roof repair and replacement, and other routine maintenance necessary to preserve the structural integrity of the building or structure.
- H. Special Exception Status for Nonconforming Residential Conversion. The Zoning Commission may grant a Certificate of Appropriateness for an oNC Special Exception upon determination whether and under what specific conditions, if any, an oNC Special Exception may be warranted. The Zoning Commission may only grant a Certificate of Appropriateness for an oNC Special Exception in those specific conditions where it finds that the petitioners' application meets the standards of this section and is specifically listed as an allowable special exception in 7.1.8, or where they find that the petitioners' application is consistent with the Neighborhood Conservation Plan, and neighborhood regulations for the neighborhood in which the property is located.
- I. Revocation of Certificate of Appropriateness for a Special Exception. The Zoning Commission may revoke a Certificate of Appropriateness for an oNC Special Exception in those specific instances when it finds, upon holding an administrative hearing, that the standards for granting the special exception or the conditions originally applied by the Zoning Commission have not been complied with, or that the use to which the building, structure or lot is devoted is different from the use listed on the Certificate of Appropriateness.

7.1.7 Procedures for Securing Certificate of Appropriateness

- A. A Certificate of Appropriateness may be applied for by any person, firm, corporation or other legal entity having a free hold to exclusive possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase or any exclusive possessory interest which is specifically enforceable on the zoning lot or lots described in the application.
- B. An application for Certificate of Appropriateness shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator.
- C. The Zoning Administrator shall forward complete applications to the appropriate entity for review, fact finding and decision within 30 days of the Zoning Administrator's certification of receipt of a complete application and all required information.
1. **Application for Certificate of Appropriateness for Alteration**
In instances where an application involves alterations to an existing structure, new structure, or demolition, the Site Plan Review Board shall make the final administrative decision.
 2. **Public Hearing Required**
 - a. In instances involving Certificates of Appropriateness for Special Exceptions, the Site Plan Review Board shall review the application and send the application with their recommendation to the Zoning Commission to hold a public hearing. The hearing shall be conducted in the manner

prescribed by Illinois statutes and the Zoning Commission shall render a final administrative decision.

- b. The Zoning Commission may grant the Certificate of Appropriateness with conditions or deny the application for a certificate.

7.1.8 Allowable Special Exceptions Under the oNC

The following uses, and no others, except those treated as uses with administrative approval, which the standards established in 7.1.9 below, may be authorized by the Zoning Commission as Special Exceptions under the oNC Overlay District in accordance with the provisions of 7.1.7 above:

- A. Two-family dwelling units (only on lots with minimum size of 7,500 square feet and a minimum width at building line of 50 feet).
- B. Three-family dwelling units (only on lots with a minimum size of 7,500 square feet and a minimum width of 50 feet).
- C. Day-care centers.
- D. Family care facilities.

7.1.9 Standards and Criteria for Certificates of Appropriateness

No Certificate of Appropriateness shall be issued unless the Site Plan Review Board or Zoning Commission finds that the applicant meets the following standards and criteria that the Site Plan Review Board or Zoning Commission, as applicable, determines are applicable for either physical changes or alterations or for Neighborhood Conservation Special Exceptions, or both:

A. Physical Alteration or Changes

To the maximum extent possible, the effect of the proposed work, if carried out, will promote achievement of one or more of following criteria and the criteria adopted as part of the Neighborhood Conservation Plan for the neighborhood in which the property is located:

1. Preserve, protect and perpetuate the original or existing external architectural features of the building or structure;
2. Provide a harmonious stylistic relationship between the results of such work and the external architectural features of other improvements on the zoning lot and within the oNC overlay district;
3. Preserve, protect and perpetuate the original, or existing distinctive character or special historic, aesthetic, architectural, archaeological, or cultural interest or value of the oNC overlay districts;
4. For new construction, assure whether such construction would affect the external appearance of other improvements on such site or within the oNC overlay district; and
5. Preserve, protect, and perpetuate, allowable uses, economic health, protection of the public health, welfare, and safety, and the protection of property values in the oNC overlay district area.

B. Site Improvement and Maintenance Standards

The design improvement and maintenance of a zoning lot subject to this overlay district, exclusive of the principal building on such lot, shall meet the following standards:

1. The repair, replacement, and addition of new improvements shall be carried out to be harmonious with the character of similar improvements elsewhere on the site and in the oNC overlay district in general, or in a manner consistent with the character of the neighborhood which are specified in its Neighborhood Conservation Plan;
2. All walks, driveways, steps and accessory structures shall be maintained in a safe condition and kept in a proper state of repair.
3. Except when otherwise provided in the Neighborhood Conservation Plan Regulations, all off-street parking areas for automobiles shall be paved with bituminous, concrete or an equivalent surfacing.

4. All accessory structures, including detached garages, fences and walls, shall be maintained in a structurally sound and sanitary condition. All such accessory structures shall be appropriately weather modified and properly surface coated to prevent deterioration.

C. Maintenance of Exterior of Structures

1. The exterior of a structure shall be maintained in good repair, structurally sound and in a sanitary manner so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.
2. Unless otherwise provided in the neighborhood regulations, all cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features as well as all stairs, porches, canopies, awnings, stairways, balconies, fire escapes, standpipes, exhaust ducts and similar overhead extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. If replacement or repair of such features are necessary, finished materials shall be used. Such repairs or replacements shall be made in a manner that is compatible or in harmony with the original feature or design or is in keeping with the original design and architectural character of similar features in the oNC Overlay District. They shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or other protective treatment.

D. Minimum Size Dwelling Units

Unless otherwise provided in the neighborhood regulations, the following minimum sizes shall be required for dwelling units by bedroom count, unless there is a greater minimum size requirement pursuant to the housing code for the City of Peoria:

1. Studio unit: 300 square feet.
2. One bedroom unit: 400 square feet.
3. Two bedroom unit: 600 square feet.
4. Three or more bedroom unit: 800 square feet.

7.2 RIVERFRONT

7.2.1 Intent Statement

- A.** The Riverfront Overlay District (oR) is intended to provide a regulatory framework that will facilitate quality development and redevelopment of the riverfront in the Heart of Peoria in a way that will relate to both the streetfront and riverfront in a harmonious design, including appropriate landscape treatment.
- B.** The goal of the district is to encourage uses that relate to the riverfront and implement plans that recognize and emphasize the unique characteristics of the riverfront. Several districts are envisioned, each particularly tailored through comprehensive design standards to facilitate development and/or redevelopment of commercial, office, residential, recreational, and industrial uses. These standards will be detailed in plans adopted for each district, and as a minimum include site layout and design criteria and goals and objectives sensitive to the unique character of the river as a natural resource and amenity that should be preserved and enjoyed.

7.2.2 Procedure for Designation

The City Council may, in the manner provided for amending this development code, designate specific areas as a Riverfront District pursuant to the provisions of a Riverfront Overlay Plan adopted by the City Council as part of the Comprehensive Plan.

7.2.3 Application of the District

- A.** Any Riverfront Overlay District designated by the City Council shall be shown as an overlay to the existing underlying district with the designation oR on the Zoning District Map, as amended. The provisions of the Riverfront Overlay Plan shall serve as a supplement to the underlying zoning district regulations.
- B.** Except where specifically altered in the Riverfront Overlay District, or by ordinance adopting or amending the Overlay Riverfront designation for any specific area, the uses, building types, lot and yard requirements, heights, accessory uses, and signs shall be determined by the regulations applicable to the underlying district over which the Riverfront Overlay District is superimposed.

7.2.4 Specific Provisions for Riverfront Overlay Plans

Any Riverfront Overlay Plan adopted pursuant to this development shall be an amendment to the City's Comprehensive Plan and shall be adopted in the same manner as any other amendment to the Comprehensive Plan. Each Riverfront Overlay Plan shall include, but not be limited to:

- A.** A description of the character of the particular district;
- B.** Goals and objectives of the plan sensitive to the unique character of the river as a natural resource and amenity that should be preserved and enjoyed;
- C.** Implementation strategy and schedule;
- D.** Layout and design criteria:
 - 1. The location and design of buildings, parking facilities, and loading docks;
 - 2. On site circulation;
 - 3. Landscaping and screening;
 - 4. Lighting;
 - 5. Signage;
 - 6. Building orientation, height, and setbacks;
 - 7. Open space and pedestrian amenities;
 - 8. Cross access easements for a riverfront promenade; and
 - 9. Designation of entity as review board to ensure compatibility of use changes and compliance of proposed development to the adopted plan and district.

7.2.5 Site Plan Review

- A.** No building permit shall be issued nor structure or building shall be erected, nor existing building altered, remodeled, or enlarged or extended until the entity identified in the approved plan as the designated Review Board, has approved a site plan as outlined in site plan review process as set forth in 2.1.3. The designated Review Board may approve the proposed site plan with or without conditions. The designated Review Board may deny approval of the total site proposal or a portion thereof if they find that conditions, standards, or purposes of the adopted Riverfront Overlay Plan and district have not been complied with.
- B.** In those Riverfront Overlay Districts in which the Site Plan Review Board is not the designated review board, the Site Plan Review Board shall provide a technical review to the designated Review Board, but any decision to approve, disapprove or approve site plans with conditions shall be made by the designated Review Board.

7.2.6 Enforcement and Appeals

Decisions by the designated Review Board shall be enforced by the Zoning Administrator in accordance with the provisions of 2.1.3. Decisions by the designated Review Board may be appealed by a petitioner to the City Council in the same manner that decisions of the Site Plan Review Board may be appealed to the Zoning Board of Appeals (see 2.1.6).

7.3 CONTROLLED THOROUGHFARE CORRIDOR

7.3.1 Intent Statement

The purpose of a Controlled Thoroughfare Overlay District (oT) designation is to delineate those areas along thoroughfares that are susceptible to strip commercial development. Delineation of those areas provides for a special treatment which is designed to reduce negative impacts usually associated with strip development. Different treatments may be provided for different areas which are designed as part of the Overlay. Specifically, it permits the application of Special Zoning Districts upon approval by the Zoning Commission and adoption by the City Council designed to:

- A. Aggregate individual lots into larger parcels of land which will prevent the traditional lot by lot development with multiple access points.
- B. Establish thresholds of minimum land area to permit various levels of intensity which insures that the area to be developed has the physical capacity to adequately sustain the proposed development.
- C. Establish district themes that define the basic permitted uses but provide the flexibility of including other related uses under controlled conditions.
- D. Create development controls in the form of performance standards that will provide for creative and quality development while minimizing the impact of such development on surrounding properties.

7.3.2 Procedure for Designation

- A. The procedure for designating an area a controlled thoroughfare corridor is initiated by an analysis of the thoroughfare by the Planning Department to identify those areas susceptible to strip development. Based on its examination, the Planning Department shall develop a set of recommendations for the boundaries of the Overlay District and would make land use recommendations within the proposed District. The Planning Department shall identify and document the physical characteristics examined to arrive at their conclusions.
- B. The Planning Department shall submit its recommendations for the Controlled Thoroughfare Corridor boundaries to the Zoning Commission for review. The Zoning Commission shall conduct a public hearing notifying all affected property owners. Upon completion of the public hearing, the Zoning Commission shall forward its recommendations along with the recommendations of the Planning Department to the City Council for review and adoption. In addition, the Planning Department shall submit its recommendations for the future land use for the designated area to the Planning Commission.
- C. The Planning Commission shall conduct a public hearing notifying the affected property owners. Upon completion of the public hearing, the Planning Commission shall forward its recommendations along with those of the Planning Department to the City Council for review and adoption. The City Council shall not adopt the future land use until it has adopted the boundaries for the Controlled Thoroughfare Corridor designation. Upon adoption, the designated area shall be indicated on the Zoning District Map, and the Comprehensive Plan shall be amended to reflect the changes in land use.

7.3.3 Permitted Districts

The following districts are the only permitted districts for application of the Controlled Thoroughfare Corridor Overlay District in the Heart of Peoria:

- A. All Residential Districts (see 4.1); and
- B. The CN and CG Districts (see 4.2).

7.3.4 Conditions for Specific Land Use Designations

A. General Conditions

- 1. Once an area has been designated a Controlled Thoroughfare Corridor, requests for rezoning and actual changes granted in zoning classifications shall be in conformance with the requirements specified herein.

2. The Planning Department, upon initial examination, may recommend that designation occur in stages (e.g., several noncontiguous areas may be identified as being susceptible for strip development along a single corridor). In that event, the Planning Department may recommend further examination of each individual area to determine the boundaries and the appropriate land use recommendations.
3. The adopted Future Land Use Plan for a designated area shall carry the same status as the Future Land Use Map itself (e.g., a guide for future development subject to amendment and revision).
4. All development within the Controlled Thoroughfare Corridor Overlay District is subject to site plan review and approval by the Zoning Commission and the City Council. Site plans submitted for review and approval shall contain the minimum required site plan content for Special Uses pursuant to 2.9.

B. Conditions for Residential Land Use Designation

1. Low density residential designated parcels of land within the Controlled Thoroughfare Corridor Overlay District that are designated for low density residential land uses may be developed or redeveloped under the following zoning classifications: R1, R2, R3, or R4.
2. High density residential designated parcels of land within the Controlled Thoroughfare Corridor Overlay Districts that are designated for high density residential land uses may be developed or redeveloped under the following zoning classifications: R6, R7, or R8.

C. Conditions for Office Land Use Designations

The office land use designation is designed to permit the development of parcels of land which, because of their limited physical characteristics, cannot be aggregated within a Controlled Thoroughfare Corridor Overlay District. This designation will permit the development of smaller parcels of land by limiting the permitted uses to professional offices and the special uses to public safety buildings that do not require large tracts of land to adequately accommodate that level of intensity.

D. Conditions for Commercial Land Use Designations

1. The commercial land use designation is designed to permit a wide range of office uses and limited retail uses within a Controlled Thoroughfare Corridor Overlay District. This designation provides for intense use of the land and, therefore, requires the assemblage of larger parcels of land. This designation permits small scale or limited retail uses as a special use.
2. Parcels of land within the Controlled Thoroughfare Corridor Overlay District that are designated for small scale office/commercial land use may be developed under the CN District with the following alterations:

a. Permitted Uses

- 1) Accountant's office.
- 2) Administrative office for professional organizations and unions.
- 3) Advertising office.
- 4) Architect's office.
- 5) Artist's office.
- 6) Attorney's office.
- 7) Author's or writer's office or studio.
- 8) Business office for business which is conducted primarily by mail or telephone.
- 9) Chiropractor's office.
- 10) Dentist's office.
- 11) Designer's office.
- 12) Detective's office.
- 13) Engineer's office.

- 14) Family counselor's office.
- 15) Investment counselor's office.
- 16) Landscape architect's office.
- 17) Management consultant's office.
- 18) Medical office.
- 19) Optometrist's office.
- 20) Osteopath's office.
- 21) Psychiatrist's office.
- 22) Psychologist's office.
- 23) Photographer's office.
- 24) Publisher's office.
- 25) Real estate office.
- 26) Surgeon's and physician's office.
- 27) Offices for any other recognized profession similar or accessory to the above.

b. Special Uses

The following retail uses may be permitted by special exception. The total retail use shall not exceed one-third of the allowable gross floor area permitted for this district.

- 1) Art store.
 - 2) Book store.
 - 3) Clock or watch repair shop.
 - 4) Coin or stamp store.
 - 5) Florist shop.
 - 6) Gift shop.
 - 7) Jewelry store.
 - 8) Locksmith.
 - 9) Novelty shop.
 - 10) Shoe repair.
 - 11) Travel and ticket agency.
 - 12) Tobacco shop.
 - 13) Tailor shop.
 - 14) Uses similar and accessory to the above.
3. Parcels of land within the Controlled Thoroughfare Corridor Overlay District that are designated for large scale office/commercial use may be developed under the District with the following alterations:
- a. Permitted Uses**
- 1) Dental clinics.
 - 2) Government offices.
 - 3) Financial institutions (without drive-in facilities).
 - 4) Medical and dental laboratories.
 - 5) Medical clinics.
 - 6) Public utility offices.
 - 7) Uses similar or accessory to the above.

b. Special Uses

The following uses are allowed by special use to insure that any one site does not become over-developed with this intense use group:

- 1) Unified retail centers comprised of 20,000 square feet of building space (gross floor area) or greater.
- 2) Auto, truck and trailer sales and rentals, storage, repair, parking or sales lots for new vehicles; permits sales lots for used vehicles only when in connection with new car sales.
- 3) Bowling alleys.
- 4) Department stores.
- 5) Display rooms for merchandise to be sold at wholesale.
- 6) Drive-in restaurants.
- 7) Financial institutions.
- 8) Indoor commercial recreation.
- 9) Motorcycle, rentals, sales or service.
- 10) Service stations.
- 11) Theaters.

7.3.5 Lot Size Requirements

The minimum land required for this Overlay District shall be three-quarters of an acre.

7.3.6 Clustering Structures

The clustering of structures is permitted in this District, subject to review by the Site Plan Review Board.

7.3.7 Automobile Storage or Parking Space

There shall be five spaces per 1,000 square feet of gross floor area.