

# Exhibit B - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

**Section 2: Amend Chapter 21 - Zoning, Section 21-619 through 21-624, only as follows, leaving all other sections and subsections not specifically referenced unchanged:**

**Sec. 21-619 through Sec. 21-624 are removed in their entirety and replaced with the following:**

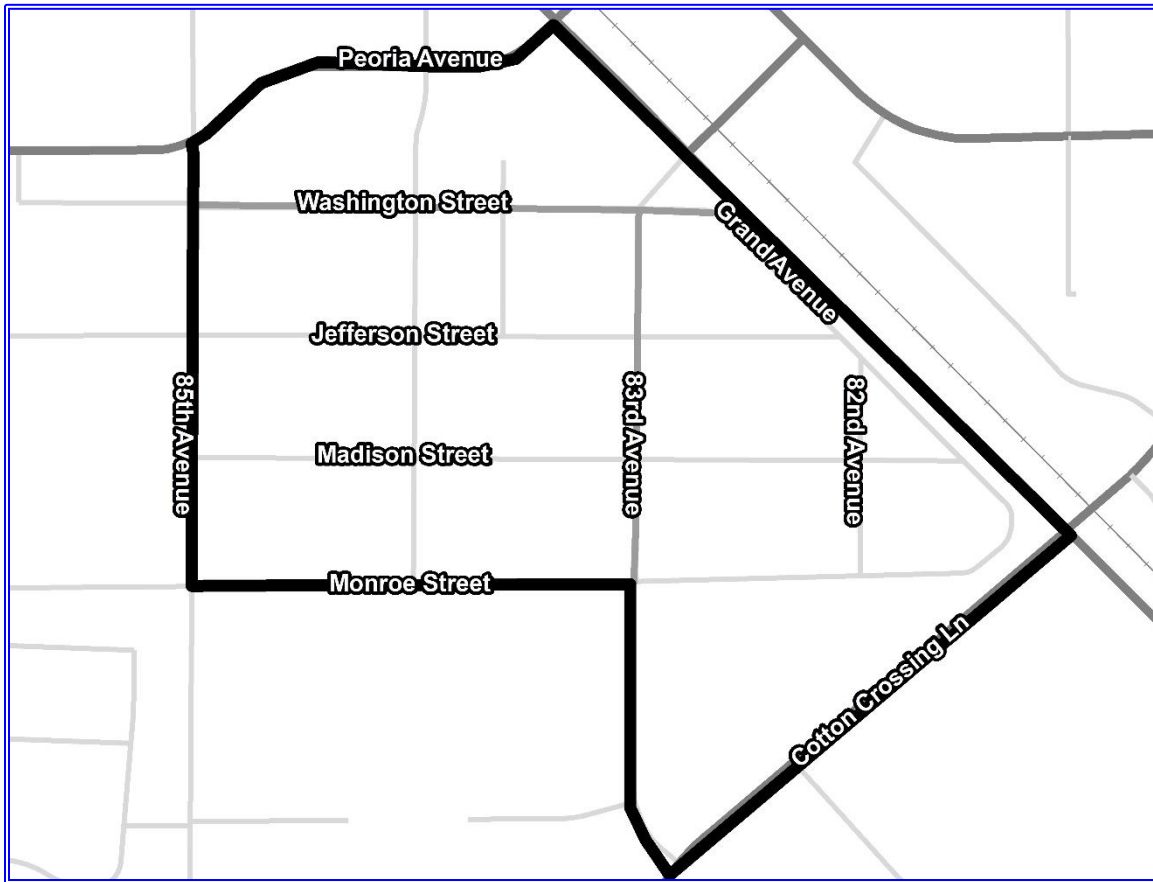
## Sec. 21-619. Downtown (D) District.

- A. Originally referred to as the Old Town Mixed Use (OTMU) District and the Old Town Core Area, the “Downtown Area” has been envisioned and planned as a vibrant, walkable, mixed-use area for civic, historic, residential, commercial and employment uses. This concentration of complimentary uses and community interests are located within a small geographic area comprised of the sub-districts identified herein.
- B. The purpose of this Downtown (D) District is intended to provide the necessary land use regulations and development standards to implement the goals and policies as set forth in the Peoria General Plan, along with support the principles and guidelines within the Peoria Community Design Guidelines in furtherance of these objectives.
- C. To support the desired high quality, walkable urban development pattern within the “Downtown Area”, the Downtown District regulations and standards provided herein are intended to:
  - 1. Promote and protect the character of the diverse collection of vibrant mixed-use pedestrian-oriented sub-districts;
  - 2. Promote an enhanced, pedestrian-oriented, streetscape environment on key streets within the Downtown Area;
  - 3. Encourage economic niches which may include a variety of commercial and residential uses that activate the streetscape.
  - 4. Encourage development which creates a compacted pedestrian environment and promote pedestrian activities that would balance day and night uses.
  - 5. Incorporate contextually sensitive planning, architecture and urban design;
  - 6. Promote arts and culture as a key component within streetscapes and public gathering areas; and
  - 7. Encourage new development or redevelopment to be compatible with adjacent historic or culturally significant structures in scale, massing, building materials, and orientation.

## Sec. 21-620. Applicability

- A. The “Downtown Area” is bounded by 85th Avenue on the west, Peoria Avenue on the north, and Grand Avenue on the east. The southern boundary follows along Monroe Street from 85<sup>th</sup> Avenue to 83<sup>rd</sup> Avenue, where it then proceeds southward on 83<sup>rd</sup> Avenue until it meets Cotton Crossing. From there, the boundary proceeds northeasterly until it reaches Grand Avenue. Refer to Exhibit 21-620.A which graphically illustrates the “Downtown Area”
- B. The Downtown (D) District regulations and standards shall only be applied to property located within the “Downtown Area” as defined above and illustrated within Exhibit 21-620.A.
- C. All uses shall be subject to the applicable provisions of the Zoning Ordinance. However, where the regulations and standards established by the Downtown District conflict with other provisions of the ordinance, the regulations and standards set forth in the Downtown District shall govern.

Exhibit 21-620.A Downtown Area



Sec. 21-621. Zoning Sub-Districts.

The Downtown District is composed of the following sub-zoning districts:

A. Downtown / Commercial Mixed-Use (D/CM)

The Downtown/Commercial Mixed-Use designation allows for retail and service businesses mixed with residential, cultural, educational, community, recreational, entertainment uses. Architecturally enhanced parking structure, street level office, business, or community uses that create a pedestrian friendly environment are strongly encouraged.

B. Downtown / Residential Mixed-Use (D/RM)

The Downtown / Residential Mixed-Use designation allows for primarily single-family and multi-family residential uses. Limited types of non-residential uses adapted to the residential structures are permitted in the Residential Mixed-Use area. Non-residential uses may include small-scale entrepreneurial, pedestrian-oriented goods and services, family-owned business, bed and breakfast establishments, and small professional or home business whose business is primarily oriented to users in the Downtown area.

Sec. 21-622. Downtown Land Use Matrix.

Table 21-622.A indicates land uses allowed within the base Downtown Zoning District. Specific uses are further defined in Section 21-200, Definitions.

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### A. Explanation of Table Abbreviations.

#### 1. Permitted Uses.

- a. "P" indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Zoning Ordinance, including the use-specific standards, along with compliance with the Peoria Community Design Guidelines.
- b. "PA" indicates that the use is allowed by right, unless it is located within two hundred (200) feet of a residential use, then it shall be deemed as a "Conditional Use" which shall be permitted upon receiving a Conditional Use Permit (CUP) as defined below.

#### 2. Conditional Uses.

- a. "C" indicates that in the respective zoning district, the use is allowed only if reviewed and approved in accordance with the procedures of Section 21-321, Conditional Use Permits. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance, including the use-specific standards, along with compliance with the Peoria Community Design Guidelines.
- b. The "C" designation in Table 21-503 does not constitute an authorization or an assurance that such use will be permitted. Rather, each conditional use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in Section 21-321, Conditional Use Permits.

#### 3. Prohibited Uses. "-" indicates that the use is prohibited in the respective zoning district.

#### 4. Accessory and Temporary Uses. The "A" designation indicates the use is permitted within the zoning district as an accessory to a primary use. In those instances where a permanent use is not defined or present, the "T" designation indicates the subject use may be installed on a temporary basis, subject to applicable specific standards.

#### 5. Use-Specific Standards. Regardless of whether a use is allowed by right or as a conditional use, there may be additional standards that are applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 21-505 Use-Specific Standards and apply to all districts unless otherwise specified.

### A. Table Organization.

In Table 21-622, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. Therefore, the "use categories" are intended merely as an indexing tool and are not regulatory.

### B. Use for Other Purposes is Prohibited.

Approval of a use listed in Table 21-622, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 21-622 is prohibited.

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- C. Classification of New and Unlisted Uses. When application is made for a use category or use type that is not specifically listed in Table 21-622, the following procedure shall be followed:
1. The Zoning Administrator shall provide an interpretation of the Ordinance in accordance with Section 21-311 as to the use category and/or use type into which such use should be placed. In making such interpretation, the Zoning Administrator shall consider its potential impacts, including but not limited to: the nature of the use; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
  2. Appeal of the Zoning Administrator’s decision may be made to the Board of Adjustment following procedures under Section 21-162 of this Zoning Ordinance.

Table 21-622 Downtown Land Use Matrix			
LAND USE CLASSIFICATIONS	D/CM	D/RM	USE SPECIFIC STANDARDS
<b>A. Residential Uses</b>			
Multi-Family Residential	P	P	See 21-623.A
Single-Family Residential	-	P	See 21-623.A
<b>B. Commercial and Retail Uses</b>			
Automobile / Vehicle Repair, Minor	C	-	See 21-623.B
Commercial Service Establishments	P	-	See 21-505.H
<b>Eating &amp; Drinking Establishments</b>			
Catering Service	P	-	See 21-200
Microbrewery, Microwinery, or Distillery	P	-	See 21-623.B
Outdoor Dining and Seating Areas	P/A	-	See 21-623.B
Restaurants, Drive through / Drive-up	-	-	See 21-623.B
Restaurants, Full Service	P	P	See 21-623.B
Restaurants, Limited Service	P	-	See 21-623.B
Restaurants, Walk-Up	P / A	-	See 21-623.B
Tavern, Bar, Lounge	P	-	See 21-505.B
<b>Entertainment And Recreation</b>			
Banquet and Conference Centers	PΔ	C	See 21-505.C
Commercial Entertainment, Small-Scale	P	-	See 21-623.B
Commercial Recreation, Small-Scale	P	P	See 21-623.B

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<b>Table 21-622 Downtown Land Use Matrix (continued)</b>			
Financial Institution and Services	P	-	See 21-623.B
General Retail, Indoor	P	P	See 21-623.B
Kiosk	T	-	See 21-623.B
<b>Lodging</b>			
Bed And Breakfast Inn	P	P	See 21-505. I
Hotel Or Motel	P	-	See 21-505. I
Maintenance and Repair Services, Indoor	P	P	See 21-623.B
<b>Personal Services</b>			
Body Piercing and Tattoo Studios	C	-	See 21-505. K
Dry Cleaning or Laundry Service	P	-	See 21-623.B
General Personal Services	P	-	See 21-623.B
<b>Office and Business Services</b>			
Business or Professional Offices	P	P	
Business Services	P	P	
Medical or Dental Offices	P	P	See 21-505.J
Open-Air Market	P / T	-	See 21-623.B
<b>C. Public, Civic and Institutional Uses</b>			
Clubs and Lodges	P	P	See 21-505.C
Community Garden	A / T	A / T	See 21-623.C
Cultural and Educational Institutions	P	P	See 21-505.F
Day Care Centers and Pre-School Centers	C	C	See 21-505. F
Government Buildings and Public Facilities	P	P	See 21-505
Group Care Facility	C	C	See 21-812.C
Group Homes, Less Than 10 Residents	P	P	See 21-812.C
Park / Open Space	P	P	
Parking Lot, Garage, and Parking Structure	P / T	P / T	See 21-623.C
Places of Worship	P	P	See 21-505.F
<b>D. Accessory Uses</b>			
Outdoor Sales and Display Area	A	A	See 21-623.C

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### Sec. 21-623. Use Specific Standards for Downtown

In the D/CM and D/RM Zoning Sub-Districts, uses identified in Table 21-622 are subject to limitations outlined in Sections 21-505 of the Peoria Zoning Ordinance except as modified herein:

#### A. Residential Land Uses

1. Residential uses are prohibited on the first floor of all buildings located along or abutting Washington Street and 83<sup>rd</sup> Avenue.
2. Accessory buildings for single-family residences shall be subject to the limitations contained in Section 21-315 of this Ordinance.

#### B. Commercial and Retail Uses

##### 1. Within the D/CM and D/RM district, all of the following shall apply:

- a) All Drive Through and/or Drive-Up Services are prohibited. Drive Through and/or Drive-Up Services include, but are not limited to services offered by a Restaurant, Financial Institution, Pharmacy, Dry Cleaning or Laundry Service, Convenient Stores, etc.
- b) Warehousing or indoor storage of goods and material beyond that normally incidental to permitted uses shall be prohibited.

##### 2. Automobile Related

- a) Automotive Uses shall be limited to developments with arterial street frontages and to properties having a Certificate of Occupancy as of July 1, 2005.

##### 3. Eating & Drinking Establishments

###### a) Microbrewery, Microwinery, or Distillery

- i. The restaurant or serving area operating in conjunction with the *Microbrewery or Distillery* shall occupy a minimum of 25% of the total floor area.

###### b) Outdoor Dining and Patio Areas are subject to the following additional provisions:

- i. Hours of operation shall be limited to the hours of operation of the associated primary use.
- ii. A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times.
- iii. Outdoor seating areas shall not obstruct pedestrian circulation, drive aisles, fire lanes, loading zones, or any location that may cause hazardous conditions, or constitute a threat to the public health, safety and welfare.

###### c) Restaurant, Full Service

- i. Full Service and Limited Service Restaurants located in Downtown / Residential Mixed-Use (D/RM) shall not exceed 2,000 square feet of gross floor area for kitchen preparation, serving area, and outdoor dining.
- ii. Drive-through services are not permitted as referenced herein (see Sec. 21-623.B.1).

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### **d) Restaurant, Limited Service**

- i. Full Service and Limited Service Restaurants located in Downtown / Residential Mixed-Use (D/RM) shall not exceed 2,000 square feet of gross floor area for kitchen preparation, serving area, and outdoor dining.**
- ii. Drive-through services are not permitted as referenced herein (see Sec. 21-623.B.1).**

### **e) Restaurant, Walk-up**

- i. The maximum floor area of the restaurant shall be limited to 250 square feet when operating as a stand-alone business.**
- ii. The maximum floor area of the Walk-Up restaurant does not apply when operating as an accessory use to an existing Full Service or Limited Service Restaurants.**

## **4. Entertainment and Recreation**

- a) The total gross floor area of a Commercial Entertainment or Commercial Recreation use shall not exceed 5,000 square feet in the D/CM and D/RM sub-district. The area restriction excludes a Public, Civic and Institutional uses and amenity areas for a multi-family residential development.**

## **5. Financial Institution and Services**

- a) Automated Teller Machines (ATMs) are permitted as a walk-up or walk-in ancillary use to principally permitted use. Standalone ATMs are not permitted.**
- b) As referenced in Sec. 21-623.B.1, drive-through services are not permitted.**

## **6. General Retail, Indoor**

- a) Refer to Sec 21-505.E for special limitations on General Retail except as modified herein.**

## **7. Kiosk**

- a) Operators shall secure a lease agreement to operate on City property.**

## **8. Maintenance and Repair Services, Indoor, means the on-site maintenance or repair of office machines, household appliances, furniture, and similar items.**

- a) This classification excludes maintenance and repair of vehicles or boats and personal apparel (See Personal Services).**

## **9. Personal Services**

- a) Refer to Sec 21-505.K for special limitations on Body Piercing and Tattoo Studios**
- b) Pursuant to Sec. 21-623.B, drive-through services are not permitted.**

## **10. Open-Air Markets**

- a) Open-air market shall occur wholly within a property (or properties) without interference of fire lanes, creation of a cause hazardous conditions, or constitute a threat to the public health, safety and welfare.**

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### C. Public, Civic and Institutional Uses

#### 1. Clubs and Lodges

- a) Refer to Sec 21-505.C for special limitations on Recreation, Social Clubs

#### 2. Community Garden.

- a) Mobile restrooms are prohibited.
- b) Community Garden may operate as an Accessory Use in conjunction with a non-residential or multi-family residential principal use on the subject site or adjoining lot.
- c) When operating as a temporary use, a Community Gardens shall secure a Temporary permits from the City.
  - i. Temporary Use permits for a Community Garden shall be limited to a maximum duration of twelve (12) months per approval.
  - ii. Temporary Use permits for a Community Garden may be renewable provided the Community Garden is in good-standing and the cumulative allowance of gardening operation on the lot does not exceed three (3) consecutive years.
  - iii. Each renewal requires a new Temporary Use Permit application and fee.

#### 3. Day Care Centers and Pre-School Centers

- a) Refer to Sec 21-505.F for special limitations.

#### 4. Group Care Facility

- a) The identified provisions in Sec 21-812.C for special limitations that shall similarly be applied within the D/RM and D/CM zoned districts.

#### 5. Group Homes, Less Than 10 Residents

- a) The identified provisions in Sec 21-812.C for special limitations that shall similarly be applied within the D/RM and D/CM zoned districts.

#### 6. Parking Lot, Garage or Structure.

- i. A street frontage landscape buffer with a minimum width of 15 feet is required for any parking structure.
- ii. Parking spaces within the front setback areas are discouraged.

### D. Accessory Uses

#### 1. The following uses are prohibited as Accessory Uses within the D/CM and D/RM sub-district:

- i. Permanent Outdoor Storage. Permanent and/or persistent outdoor storage of goods and materials is prohibited.
- ii. Storage or parking of recreational vehicles and utility trailers.
- iii. Moving Truck, Trailer, and Equipment Rental.
- iv. Donation/Recycling Drop-Off Boxes.

#### 2. Within the D/CM and D/RM sub-district, uses that are customarily incidental to a permitted principal use on the site are allowed to occur as an Accessory Use on the site when operating in compliance with all other applicable city requirements.

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**3. Outdoor Displays and Sales Area are permitted accessory uses to subject to the special limitations identified in Section 21-505, and as modified herein:**

- a. No merchandise shall be located beyond eight (8) feet from the building frontage.
- b. A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times.
- c. The use shall not obstruct pedestrian or vehicle circulation, or be located within drive aisles, fire lanes, loading zones, or any location that may cause hazardous conditions, or constitute a threat to the public health, safety and welfare.
- d. The site shall be restored to its previous condition after each use. Permanent alterations to the site are prohibited.

**Sec. 21-624. Property Development Standards**

**A. Parking Facilities.** There is no minimum requirement for parking spaces in the Downtown Area. To promote the urban form outlined in Section 21-619, developments are encouraged to locate parking facilities behind buildings and structures, and/or offer shared or joint parking arrangements.

**B. Landscape Requirements.** There are no minimum on-site landscape requirements. However, all portions of the development not occupied by buildings, structures, vehicular access, and parking shall be landscaped in accordance with Section 21-818.

**C. Downtown District Standards:** The development standards provided herein are applicable to all subzones within the Downtown District.

Table 21.624.D.1 is applicable when only non-residential uses are proposed, or they are proposed in combination with residential uses. For residential (only) projects, utilize Table 21.624.D.2.

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<b>Table 21-624.D.1 Non-Residential Uses and Mixed-Use Projects</b>	
<b><u>Development Standard</u></b>	<b><u>All Districts</u></b>
<b><u>Setbacks (FT)</u></b>	
<b><u>Front, Minimum</u></b>	<b><u>0 FT</u></b>
<b><u>Front, Maximum</u></b>	<b><u>15 FT</u></b>
<b><u>Rear, Minimum</u></b>	<b><u>0 FT</u></b>
<b><u>Side, Minimum</u></b>	<b><u>0 FT</u></b>
<b><u>Corner, Minimum</u></b>	<b><u>0 FT</u></b>
<b><u>Maximum Building Height (FT)</u></b>	<b><u>60 FT</u></b>

<b>Table 21-624.D.2 Residential Projects</b>		
<b><u>Development Standard</u></b>	<b><u>Multi – Family Residential</u></b>	<b><u>Single – Family Residential</u></b>
<b><u>Minimum Setbacks</u></b>		
<b><u>Front</u></b>	<b><u>10 FT</u></b>	<b><u>10 FT</u></b>
<b><u>Rear</u></b>	<b><u>5 FT</u></b>	<b><u>5 FT</u></b>
<b><u>Side</u></b>	<b><u>5 FT</u></b>	<b><u>5 FT*</u></b>
<b><u>Corner</u></b>	<b><u>8</u></b>	<b><u>8 FT</u></b>
<b><u>Maximum Building Height</u></b>	<b><u>30</u></b>	<b><u>30 FT</u></b>
<b><u>Maximum Lot Coverage</u></b>	<b><u>=</u></b>	<b><u>45 %</u></b>
<b><u>Notes:</u></b>		
<b><u>*</u></b>	<b><u>Not required along common wall for attached product.</u></b>	