

**DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR  
EAST PEORIA DOWNTOWN**

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This declaration of covenants, conditions and restrictions for East Peoria Downtown (the "Declaration") is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the City of East Peoria, an Illinois municipal corporation (the "City").

**RECITALS**

A. The City owns real property containing approximately \_\_\_\_\_ acres more particularly described at "Exhibit A" attached hereto and incorporated herein by reference (the "Property" or "East Peoria Downtown").

B. The City intends to promote establishment of a mixed use community on the Property including, without limitation, public buildings, parks and other open space, retail stores, residential dwellings, offices, a museum and hotels all in a pedestrian friendly environment.

C. In order to promote development of the Property for the intended uses, the City hereby imposes the covenants, conditions and restrictions hereinafter set forth to provide a plan for the ownership, sale, use and occupancy of the Property and for the development and improvement of the Property in an orderly manner with appropriate architectural, landscaping, construction, development and maintenance controls to maintain the value, aesthetic appearance and architectural harmony of the Property during and after development.

**NOW, THEREFORE**, the City hereby declares that the Property is now and shall be hereafter owned, held, developed, transferred, sold, conveyed, leased, subleased, used, maintained, occupied and mortgaged or otherwise encumbered subject to the protective covenants, conditions and restrictions hereinafter set forth in this Declaration and every grantee of any interest in the Property by acceptance of a deed or other conveyance whether or not such deed or other conveyance shall be signed by such grantee and whether or not such grantee shall otherwise consent in writing shall take subject to this Declaration and shall be deemed to have assented to and agreed to the same.

**SECTION I**

**OBJECTIVES**

The object of these Design Guidelines is to provide guidance to all developers as to the primary design requirements that shall be utilized by the City in order to achieve and maintain the desired development.

Architectural and engineering reviews conducted by the City will primarily focus on the site layout and design and exterior building design and materials. Interior layout and operation

will not typically be reviewed in detail unless it is found that the exterior appearance suffers critically as a direct result of interior conditions.

## **SECTION II**

### **AUTHORITY OF THE CITY**

The City has authority to review and enforce these guidelines by virtue of its status as owner of the Property on the dates this Declaration was executed and recorded. The authority reserved by the City under this Declaration shall be exercised by the Design Review Committee created at Title 2, Chapter 27 of the City Code of the City as it now exists or may hereafter be amended. Requests for modifications or adjustments will be considered by the City on a case by case basis and in its sole discretion, and approval of any modification or adjustment shall not be deemed to change or generally waive the covenants and restrictions herein contained or to serve as precedent for any proposed future modifications or adjustments which may be requested. The City reserves the sole authority and right to accept or reject any and all designs submitted, irrespective of whether a modification or adjustment of the Design Guidelines is requested. Additionally, all proposed development activity must comply with the East Peoria Zoning Code (the "Zoning Code") and, where applicable, the Plan for the East Peoria Downtown Overlay District (the "Overlay District Plan"). Such compliance must be demonstrated by the plans submitted for review. The City may not unreasonably withhold approval of requests made pursuant to this Declaration.

## **SECTION III**

### **USES**

Only uses authorized by the Zoning Code or the Overlay District Plan may be established on the Property.

## **SECTION IV**

### **SUBMITTALS – REQUIRED DOCUMENTATION**

To assure architectural and site integrity, prior approval by the City will be required for all developments and the construction or installation of any structures. Detailed engineering and architectural plans and specifications shall be submitted to the City to fully represent and explain each new development, renovation or construction. All required submittals shall be submitted in triplicate to the City. Drawings are required to illustrate the character and type of facility planned for development and must be included with the submittal.

In considering plans submitted, the City will be concerned with the safety and convenience of traffic movement both within the subject site and in relation to access streets as well as the harmonious and beneficial relation of structures and uses on the Property.

**SECTION V**  
**DESIGN REQUIREMENTS**

1. Building Siting:

a. Buildings are to be sited in conformity and harmony with neighboring sites. Consideration must be given to the existing topography, grade and finished floor elevation of neighboring sites and adjacent streets. The elevation, orientation and setback of the proposed building shall not detract from the view or appearance of the adjacent buildings.

b. All efforts shall be taken to avoid installations of utility service equipment and service entrances (conduits, piping, and valves) on a parcel between the building and the site-entrance street; but if unavoidable, such installations shall be fully-screened year-round with landscaping that includes evergreen trees and shrubs.

2. Exterior Building Design:

The exterior of the building is to be treated as an overall design concept. Colors, materials, and finishes are to be coordinated on all exterior elevations of the building to achieve total design continuity.

a. Building Massing:

The focus of development along West Washington Street will be a collection of multi-story buildings whose massing and quality design intended to create a unique retail village. Street level retail with up to three (3) levels of office or residential above (4 levels overall) or street level retail with up to four (4) levels of hotel space above (7 levels overall) will be permitted. This provision shall not limit the height of hotels or office buildings.

b. Building Envelope:

(1) Each building will create/reflect pedestrian friendly facades.

(2) Building envelopes should include material combinations and detailing that present high-quality, distinctive facades.

(3) Except as otherwise approved by the Design Review Committee, the following façade areas of each building shall be comprised of a minimum of 25% of naturally colored quarried stone in a coursed rubble application complimentary to the civic complex constructed within East Peoria Downtown:

A. Any first floor façade which includes any primary entrance to the building; and

B. Any first floor façade facing any adjoining street right of way;  
and

C. Any first floor façade lying within 105 feet of the nearest  
right of way of West Washington Street.

(4) A minimum of 15% of the building's first floor façade area (which includes the primary entrance) is to be windows, storefronts and/or other identifiable types of glazing.

(5) Other combinations of stone and windows totaling 40% of a building's first floor façade will be considered.

(6) Building facades that face parking lots and are rear walls of tenant space may contain minimal tenant storefront openings; however these areas shall be required to mix materials, adding recesses or projections and changing the parapet heights to break up the balance of the façade.

(7) Parking structures to accommodate the mixed-use environment may be needed to provide for parking in close proximity to buildings for shoppers, office users and residents. Such structures shall be constructed of concrete floor decks and structural elements. Pre-cast concrete panels with a brick form liner or traditional brick skin shall make up the skin of the deck. The exposed façade of the parking structure shall be complimentary of and consistent with the adjoining architecture. The height of the parking structures will be consistent with the adjacent structures/buildings.

(8) Environmentally Sensitive Design:

A. The City supports efforts and projects that further the goals of energy efficiency and environmental design through adherence to standards established in connection with the US Green Building Council's *Leadership and Energy and Environmental Design* ("LEED") Program or the *Energy Star* Program. The Design Review Committee shall consider reasonable modifications, adjustments or waivers of these covenants that further the goals of energy efficiency and environmental design.

B. The City mandates that all new construction on the Property be capable of achieving either LEED certification or Energy Star certification as verified by a qualified licensed professional engineer or architect. No LEED or Energy Star certification is required. This requirement does not apply to stand-alone parking decks nor to any portion of building designed and used as parking deck.

(9) Air conditioner condensing units and other external mechanical components for buildings within 105 feet of the ROW of West Washington Street shall be placed on the roof; provided, however, that such items serving hotels or office buildings having a height of three stories or more may be located at ground level if screened by masonry walls which coordinate with the front masonry exterior of the principal structure.

(10) Distribution panels shall be located within the interior of buildings. Exterior utility meters, dumpsters and other exterior service equipment or facilities shall be permanently screened in a manner complimentary to the building façade.

c. Building Color Scheme:

(1) Exterior colors on large non-glass surfaces should be natural or earth tones, which are generally subdued in their intensity of color, except for accents that are intentionally more intense in color but remain harmonious to the overall building design.

(2) Bright colors or tones should only be used for accents of limited area as compared to the overall exterior area of the building.

(3) Primary colors should be avoided unless the use of such colors is deemed to complement the overall building's design concept and/or to integrate a user's corporate identity.

(4) Extreme contrasts between major building material colors (excluding glass and accent colors) are to be avoided.

d. Building Materials:

All exterior walls of buildings are to be finished in materials of pleasing and harmonious appearance. Unsightly or low grade exteriors will not be permitted. Building materials will be judged on a case by case basis. However, preference will be given to stone, masonry and glass construction and façade treatments. Consideration will be based on the overall design of the building, its compatibility with other structures on the site, and the objectives of the development. Actual samples of specific building materials and photographs may be required for submission and review by the City's Design Review Committee.

e. Canopies, Awnings and Sun-shading Components:

(1) Decorative awnings and canopies that project beyond the plane of the store façade are permitted as an integral part of the architectural design intent, to provide cover from the elements as shoppers move about, and to

add dimensional interest to the character of the store façade and base building construction.

(2) The color and design of canopies, awning, and sun-shades shall be compatible with the building design.

(3) Tenant awnings and canopies and their associated framing systems shall be appropriately designed to resist deterioration due to weathering, to withstand applicable wind and snow loads, and to prevent bird nesting or roosting.

(4) Silk-screen awning signage is encouraged. Vinyl adhesive decal lettering and or logos will not be permitted.

(5) All storefront awnings and canopies shall be designed and constructed with the highest quality standards – i.e.,: the underside of a canopy or awning shall have no unfinished framing or fasteners. Framing and fasteners may be comprised of stainless steel, anodized aluminum or painted aluminum.

f. Roof Construction Materials:

Any visible roofing systems including HVAC and equipment screens are to be finished in materials of pleasing and harmonious appearance.

3. Site Development:

a. Employee parking is to be located in the side or rear yard where possible but shall be permitted in common parking lot areas.

b. All curbs shall be full depth concrete or better that extend below adjacent pavements. Sidewalks may be a variety of materials, including cement concrete, paver-brick, exposed aggregate concrete, or concrete paving units that comply with the Americans With Disabilities Act (the “ADA”). Asphalt walks are prohibited except in locations within parking lot areas.

c. Depressed concrete curb may be constructed to allow storm water run-off to enter into a landscaped area/island. However, the depressed curb shall not exceed 5 linear feet in at least 40 linear feet of full height curb.

d. All landscaped areas within parking lot areas will be curbed. Landscaped areas within walkways, courtyards, commons are not required to be curbed. All paved vehicular drives and parking lots shall be bordered with curbs to include all required curb cuts and transitions as required for 100% compliance with the ADA and all other governing regulations.

e. Landscaping requirements for parcels fronting on West Washington will be modified on a case-by-case basis depending upon the extent of lot coverage.

f. Alternative paving options must extend from curb to curb and are to be as continuous as possible. Colors of stamped bituminous are to complement the overall building design concept and are suggested to be the natural tones that replicate the material represented in the stamps.

g. Shipping and receiving facilities, loading docks and service areas are to be located in the side or rear yard, not facing on the street to the extent possible.

h. The minimum number of parking stalls will comply with the requirements set forth in the Overlay District Plan.

i. The placement of charging stations for electrically powered vehicles shall be considered.

4. Exterior and Site Lighting:

a. Sodium Vapor lights may not be used or placed on the Property. White emitting metal halide, LED or other white emitting lights approved by the Design Review Committee shall be used for all exterior lighting.

b. Parking lot lighting fixtures are to have an overall maximum height of 35 feet. Walk-way lighting fixtures are to have a maximum height of 16 feet. Parking lot lighting poles may include cast-in-place concrete bases up to thirty inches (30") high. Pole and light fixture assemblies are to be of a style, design and color to complement the building design.

c. Only lighting fixtures designed for area illumination utilizing shielded or screened lamps, and designed to control glare by having a built-in cut-off feature, will be approved. Average parking lot maintained illumination levels will be no less than 1 foot-candle nor more than 5 foot-candles during business hours. Exterior building and site security lighting shall operate on each structure from dusk to dawn.

d. Security lighting fixtures (flood lighting) may NOT be substituted for parking lot areas, but may be used for service areas and rear walkways. Flood lighting may also be used for wall washing and sign illumination.

e. All wiring for site lighting is to be installed underground. Connection enclosures that require future access are to be recessed flush into the ground, located in planting beds where possible and screened by landscaping.

f. Wall-mounted fixtures shall be directly-mounted to the building without projecting arms or brackets, unless such arms or brackets are ornamental in nature and complement the overall building design. Recessed soffit down lighting is permitted if the light source is properly shielded.

5. Sign Standards:

a. Project Site Entrance/Monument Signs:

(1) All project entrance signs shall be ground-mounted only. Ground-mounted site entrance signs will NOT exceed one hundred (100) square feet per side (if 2-sided signs are used) in total "sign face area" including the sign text and the panel area onto which the text is mounted. The overall sign area, including the construction around the sign area may NOT exceed two hundred twenty-five (225) square feet per side (as viewed from the front) and shall NOT exceed twenty feet (20'-0") in total sign assembly height; provided such height does not block vehicular sight lines.

(2) Site signs shall be composed of solid (opaque) materials or solid components with back-lit, translucent letters (only) that extend to the ground.

(3) Site signs shall be designed so as to appear as one assembly or as an assembly of components that may include a base, a sign area and a surround or top.

(4) Top or surround components may include sign text. Sign areas are to be designed so as to appear as a single component of the overall entrance sign, even if individual sections of text are separated from other sections of text by joints or seams, so that an entrance sign does NOT appear to be a common directory of tenants with interchangeable horizontal text strips.

(5) Lighted signs shall be internally illuminated or illuminated as approved by the Design Review Committee.

b. Site Directional Signs:

(1) No flashing, animated or glaring signs will be permitted. All site directional sign(s) shall be ground-mounted only. Ground-mounted site directional sign(s) will NOT exceed thirty-five (35) square feet per side in total "sign face area" including the sign text and the panel area onto which the text is mounted. The overall sign area, including the construction around the sign area may NOT exceed seventy-five (75) square feet per side (as viewed from the front) and shall NOT exceed eight feet (8'-0") in total sign assembly height; provided such height does not block vehicular sight lines.

(2) Site directional sign(s) shall be composed of solid (opaque) materials or solid components with back-lit, translucent letters (only) that extend to the ground.

(3) Site directional signs shall be designed so as to appear as one assembly or as an assembly of components that may include a base, a sign area and a surround or top.

(4) Top or surround components may include sign text. Sign areas are to be designed so as to appear as a single component of the overall entrance

sign, even if individual sections of text are separated from other sections of text by joints or seams, so that an entrance sign does NOT appear to be a common directory of tenants with interchangeable horizontal text strips.

(5) Lighted signs shall be internally illuminated or illuminated as otherwise approved by the Design Review Committee.

(6) Examples of site directional signs encouraged by the City are attached hereto labeled as "Exhibit B".

c. Tenant Signage:

(1) No flashing, animated, or glaring signs will be permitted with exceptions to be approved by City on a case-by-case basis. Identification signs will be placed on the face of the building or ground-mounted. If ground-mounted, building identification signs shall comply with site entrance guidelines above. Sign copy on the building shall be permitted on both front and rear elevations.

(2) Except as otherwise approved by the Design Review Committee, building-mounted signs shall not project above the roof line of the building. Only open-lettering and/or a single logo will be permitted at a size that is appropriate to the scale of the building; however, each letter will not exceed a maximum height of three (3) feet. "Open-lettering" refers to individual letters that are mounted to the building, and NOT lettering that is mounted to any type of back panel, strip, bars or other elements that connect the letters together. Letters shall be manufactured as one of the following:

A. Opaque, solid metal with metallic and/or painted finishes.

B. Translucent faces to be captured within metal sides that encase internal lighting mechanisms; the shape or configuration of the light sources shall NOT be discernable through the translucent face; faces shall be captured in continuous (minimal) extrusions without exposed fasteners; metal sides shall have a metallic or painted finish.

C. Glass tube neon signs.

(3) Building-mounted signs shall be mounted directly onto a building surface, or may be "peg-mounted" to project a consistent distance away from the face of a building. If internally illuminated and peg-mounted, all wiring is to be extended from the interior of the building. No raceways are permitted - they are to run straight from the rear of each sign component into the face of the building, without bends or curves. Wiring shall NOT extend between sign components (letters and/or logos).

(4) Blade signage is allowed as a secondary signage opportunity for storefronts. The blade sign shall be attached to the storefront construction

and shall not attach to the base building construction. Blade signs shall be proprietary in design and construction. Flat panels with painted or vinyl graphics are not allowed. Decorative elements such as iron brackets or three-dimensional panels are encouraged to be used. All blade signs shall provide clearance of no less than 8'-0" above the finished exterior concrete walkway and not greater than six (6) square feet in area. Blade signs shall either be self-illuminating or shall employ surface-mounted bracket lighting.

(5) Signage that is not permitted are those which are not professional in appearance; signs made from die-cut vinyl, gold or silver leaf and paint; formed plastic or injection molded plastic signs; tag lines; cloth, paper, cardboard and similar stickers/decals around or on surfaces of the storefront without prior written approval of City.

d. Exceptions to standards may be approved by the Design Review Committee on a case by case basis. All signage shall be approved by the Design Review Committee.

6. Outdoor Furnishings:

a. Outdoor furnishings are to complement the overall building design concept and are to be manufactured in materials and designs that are of the same high-quality as the building.

b. Outdoor tables, seating and accessories are to be composed of corrosion-resistant metals, composite materials, cast materials, and possibly wood.

## **SECTION VI**

### **GENERAL PROVISIONS**

1. Duration and Remedies for Violation:

The covenants and restrictions of this Declaration shall run with and bind the Property, and shall inure to the benefit of and be enforceable by the City or the Owner of any property subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the date of this Declaration is recorded, after which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years unless an instrument signed by the then Owners of two-thirds (2/3) of the parcels assigned to separate property tax identification numbers by the Tazewell County Supervisor of Assessments has been recorded, agreeing to change or terminate said covenants and restrictions in whole or in part. Violation or breach of any condition, covenant or restriction herein contained shall give the City and/or Owner(s) in addition to all other remedies, the right to proceed at law or in equity to compel compliance with the said conditions, covenants or restrictions, and to

prevent the violation or breach of any of them, and the expense of such litigation shall be borne by the then Owner or Owners of the subject property, provided such proceeding results in a finding that such Owner was in violation of said covenants or restrictions. Expenses of litigation shall include reasonable attorneys' fees incurred by City in seeking such enforcement.

2. Owner's Obligation to Maintain and Repair:

Each Owner shall, at his sole cost and expense, maintain and repair his property, keeping the same in a condition comparable to the condition of such property at the time of its initial improvement.

3. Notices:

Any notices required to be sent to the City or any Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, post paid, to the last known address of the person who appears as an Owner on the records of the Tazewell County Supervisor of Assessments at the time of such mailing.

4. Severability:

Invalidation of any one or more of these covenants and restrictions by judgment or Court Order shall in no way affect any other provisions which shall remain in full force and effect.

5. Amendment:

This declaration may be amended at any time and from time to time upon the execution and recordation of an instrument executed by Owners holding not less than two-thirds (2/3) of the parcels assigned to separate property tax identification numbers by the Tazewell County Supervisor of Assessments, provided that during the first 30 years after this Declaration is recorded and so long during that 30 year period as City is the Owner of any lot or any property affected by this Declaration, or amendment thereto, no amendment will be effective without the City's express written joinder and consent.

6. Usage:

Whenever used the singular shall include the plural and singular, and the use of any gender shall include all genders.

7. Effective Date:

This Declaration shall become effective upon its recordation in the Public Records of Tazewell County, Illinois.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF EAST PEORIA

By: \_\_\_\_\_  
Its Mayor

ATTEST:

\_\_\_\_\_  
Its City Clerk

STATE OF ILLINOIS        )  
                                      ) SS  
COUNTY OF TAZEWELL    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011,  
by David W. Mingus and Morgan Cadwalader, respectively the Mayor and City Clerk of the City of  
East Peoria.

Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**[LEGAL DESCRIPTION OF PROPERTY]**

**EXHIBIT B**

**[EXAMPLES OF SITE DIRECTIONAL SIGNS)**