

**AN ORDINANCE AMENDING APPENDIX B, THE ZONING ORDINANCE, RELATED TO MURALS,
CASE NO. PZ 15-C**

WHEREAS, said petition was directed to the Planning and Zoning Commission as directed by Article 2.8 of Appendix b, the Zoning Ordinance, of the City of Peoria; and,

WHEREAS, said Planning and Zoning Commission held a public hearing on February 5, 2015, with respect to said petition, which hearing was held pursuant to a notice of the time and place thereof in a newspaper of general circulation in the City of Peoria, not less than fifteen (15) days nor more than thirty (30) days prior to said hearing as required by law; and

WHEREAS, said Planning and Zoning Commission has submitted its report of said public hearing and the City Council finds the proposed text amendment to be consistent with the goals of the Comprehensive Plan and City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS:

Section 1. Appendix C, the Land Development Code of the City of Peoria, is hereby amended by deleting the following stricken words, and adding the following underlined words:

- **3.21. - Murals.**

3.21.a. Purpose. The purpose of this ordinance is to permit and encourage art murals on a content-neutral basis on certain terms and conditions. It is not the intent of this ordinance to deny or restrict material protected by the First Amendment. Art murals comprise a unique medium of expression which serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion. This Ordinance is also written with the intent to allow murals on historic property in a way that will not diminish the historic or character-defining features of the property.

3.21.b. *Permitted Murals.* Art Murals that meet all of the following criteria are permitted in all non-residential zoning districts upon satisfaction of the applicable permit requirements: _

3.21.c. *Prohibited Murals.* The following are prohibited:

- (1) Murals in residential zoning districts.
- (2) Murals on or within historic or conservation landmarks or districts that are directly painted on the structure.
- (3) ~~Murals on buildings that have been identified as contributing structures to a historic or conservation district.~~
- (4) Murals in a public right-of-way.
- (5) Murals which would result in a property becoming out of compliance with the provisions of City Code, or land use conditions of approval for the development on which the mural is to be located.
- (6) Murals of any material characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" or which are sexually oriented as defined by Chapter 18, Article III of the City Code.

3.21.d. *Administrative Review Process.* Art murals are subject to review and approval by the Site Plan Review Board upon submittal of an application pursuant to Section 2.3 and the following:

- (1) Building elevation drawn to scale, and one 8.5" x 11" reduction suitable for photocopying, that identifies:
 - (a) The façade on which the mural is proposed;
 - (b) The location of existing and proposed murals;
 - (c) The mural dimensions;
 - (d) The height of the mural above grade; and
 - (e) The building eave/cornice and roof line.
- (2) Site plan drawn to scale and one 8.5" x 11" reduction suitable for photocopying, that identifies:
 - (a) Property lines;
 - (b) Building location and façade on which the mural will be located;
 - (c) Names of streets that abut site; and
 - (d) North arrow.
- (3) Written description of the type of mural (painted, mosaic, etc) and details showing how the mural is affixed to the wall surface.

(4) Written consent from the building owner.

(5) A \$50 review fee in lieu of the Site Plan Review Board application fee.

3.21.e. Design Standards Requirements.

(1) Mural size and materials:

- (a) No part of the mural shall exceed 30 feet in height or higher than the floor level of the third floor, measured from grade, for projects on buildings greater than two stories, whichever is more restrictive. Any mural exceeding the permitted height shall be subject to the Special Use review process pursuant to Section 2.15.
- (b) The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.

(2) Murals on or within historic or conservation landmarks and districts:

- (a) Placement: Murals may be located on any building elevation; however, may not obscure openings or other historic or character-defining features, including historic, painted signs known as "ghost signs." Particular attention must be made to place new murals away from "ghost signs."
- (b) Size: Murals may not overpower the historic building; and shall defer to historic painted signs.
- (c) Attachment method: Unpainted masonry walls shall remain unpainted, on all elevations. Murals shall be attached to the building through masonry joints; this is considered the least damaging, and fully reversible approach.
- (d) If the property has a local historic designation, a Certificate of Appropriateness is also required from the Historic Preservation Commission.

3.21.f. Expiration, Maintenance, Alterations, and Removal of Mural.

(1) *Expiration.* If the mural is not completed within six months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured.

The Director may extend a permit for one period of six months upon finding that the applicant was unable to commence or continue work for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the Director before the permit

expiration date. If an inspection approval has not been granted within this extended time period, the permit is void. A permit may be extended only once under the standards of this subparagraph.

- (2) *Maintenance.* Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction. Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed.
- (3) *Alterations.* Alterations to the mural area allowed, but must be approved by obtaining a new permit through the process described in Section 3.21.d.
- (4) *Removal of materials associated with the mural.* Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues. Murals on or within historic or conservation landmarks or districts shall be removed within 30-days of direction from the City if found to diminish the historic integrity of the landmark or district.

(Ord. No. 17011, § 1, 8-13-13)

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS THIS

_____ DAY OF _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

