

ORDINANCE 17,698

AN ORDINANCE AMENDING APPENDIX A THE UNIFIED DEVELOPMENT CODE OF THE CITY OF PEORIA RELATING TO MURALS

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule municipality, the City may exercise any power and perform any function pertaining to its government and affairs including zoning regulations and uses; and

WHEREAS, the City of Peoria desires to amend Appendix A, the Unified Development Code;

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

Section 1: Appendix A of the Peoria City Code, being Ordinance No. 17,403 as adopted on October 11, 2016, is hereby amended by deleting the following stricken words and adding the following underlined words:

5.0 PERMITTED LAND USES

5.3 USE AND PERFORMANCE STANDARDS

5.3.3 Commercial Use Performance Standards

K. Murals

A. Purpose

1. The purpose of this ordinance is to permit and encourage art murals on a content-neutral basis on certain terms and conditions. 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.
2. 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.

B. Permitted Murals

Art Murals permitted in all non-residential zoning districts and on structures with legal non-residential uses in residential zoning districts. No zoning approval is required but the mural design standards are applicable for new murals or modifications to existing murals.

C. Murals Allowed by Special Use

The following murals may be allowed through a no fee Special Use process (See 2.9):

1. Murals which are greater than 30 feet in height.

2. Murals on or within local or national historic or conservation landmarks or districts that are directly painted on the structure.

CD. Prohibited Murals

The following are prohibited:

1. Murals on structures with solely a single or multi-family residential use and associated accessory structure in residential zoning districts
- ~~2. Murals on or within historic or conservation landmarks or districts that are directly painted on the structure.~~
- ~~3.~~ Murals in a public right-of-way.
- ~~4.~~ 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.
- ~~5.~~ 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.

DE. Design Standards

The following performance standards apply to all murals:

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. No fee is required for approval of a mural.
6. 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 [2-9](#)~~
 - 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.
7. 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."

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- b. Size: Murals may not overpower the historic building; and shall defer to historic painted signs, which tend to be very prominent, and should remain as focal points on side elevations.
- 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.

EF. Expiration, Maintenance, and Removal of Mural

1. Expiration

- a. 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.
- b. 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

- a. 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. Removal of Materials Associated with the Mural

- a. 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.
- b. 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.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

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

23rd DAY OF July, 2019

APPROVED:



Mayor

ATTEST:

City Clerk

Beth Ball

EXAMINED AND APPROVED:

Corporation Counsel

Donald P. Teist