

ARTICLE IV. MURALS

Section 8-10 Murals

A. Definitions

1. Mural: Painted graphics that are murals, mosaics, or any type of graphic arts that are painted on a wall or fence and do not contain copy, advertising symbols, lettering, trademarks, or other references to the premises, products or services that are provided on the premises where the graphics are located or any other premises.

B. Murals shall be permitted in the Institutional, Urban Industrial, Heavy Industrial, Neighborhood Mixed Use, Suburban Mixed Use, Central Mixed Use, Urban Mixed Use and Riverfront Mixed Use Districts. Murals shall also be permitted through conditional use permit on governmental and institutional structures.

1. Murals are not permitted on the primary façade of a building. A primary façade is defined (for purposes of this section) as the building elevation that faces the adjacent street right-of-way and is the primary customer entrance.

C. Mural Permit

1. No mural shall be installed unless a mural permit therefore shall first be obtained by the owner, or his agent, from the Director of Planning Services, or his/her designee.

D. Application Requirements

Permit application shall contain, but not be limited to, the following information:

1. Site plan showing the lot and building dimensions and indicating the proposed location of the mural.
2. Pictures of the building elevations.
3. A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural.
4. A colored drawing of the proposed mural.
5. A description of the proposed maintenance schedule that includes the timeframe for the life of the mural and method for removal, if applicable.

E. Fees

The Fee for application for a Mural Permit shall be as established by Resolution of the Common Council.

F. Prohibited Mural Types

1. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
2. Murals affixed, applied or mounted above, upon or suspended from any part of the roof of a structure.
3. Murals shall not project from the wall surface, other than the minimum necessary protrusion to mount the mural to the wall or structure.
4. Murals containing any gang affiliation symbols.
5. Murals containing any commercial messages or advertising.
6. Murals containing obscene content. For purposes of this section, any material is obscene if applying contemporary community standards:
 - a) The predominant appeal is to a prurient interest in sex; and
 - b) The average person would find the material depicts or describes sexual content in a patently offensive way; and
 - c) A reasonable person would find the material lacks serious literary, artistic, political, or scientific value.

G. Standards

1. Surface Preparation. Sand and high pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district or any building eligible for inclusion on the State or National Register of Historic Buildings. Treatments that cause damage to historic materials shall not be used.

H. Maintenance

1. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Director of Planning Services, or his/her designee.
2. The display surface shall be kept clean and neatly painted and free from corrosion.
3. Any mural that is not maintained, faded, or is in disrepair shall be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the Director of Planning Services, or his/her designee.

I. Design Standards

1. The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic; and
2. The proposed mural is well integrated with the building's façade and other elements of the property and enhances the architecture or aesthetics of a building or wall; and
3. The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied/affixed; and

J. Mural Permit Approval

1. No mural permit shall be approved unless the Director of Planning Services, or his/her designee, shall find that the requirements of this Section have been fulfilled.
 - a) Permit Denial. A mural permit applicant may appeal the decision of the Director of Planning Services to deny a mural permit. Said appeal shall be made in writing to the Director of Planning Services and said appeal shall be made within 30 days of the decision by the Director of Planning Services to deny the permit. Appeals will be heard by the Public Art and Beautification Committee to determine if the Director of Planning Services' decision to deny the permit is consistent with the provisions of this Section of the Municipal Code.