

Agenda Item: Update on Proposed Mural Text

DATE: June 4, 2013
RE: Revised Mural Text
FROM: Jay Camp, Senior Planner

Background/Issue:

After review of the proposed mural text by Planning Board, staff made several minor recommended grammatical changes to make the text flow more smoothly. In addition, references to "Planning Staff" were removed. It is recommended that the Parks and Recreation Advisory Committee be the approval body for murals just as they are for Public Art. For the purpose of consistency, this would be a logical approach and would only entail minor modification of the public art policy to include murals.

Recommended Motion:

Approve Zoning Motion 2013-3.

(O) Murals

1. Mural Design Requirements

(a) Purpose. To increase community identity and foster a unique sense of place in Downtown Matthews, murals are encouraged on buildings located within the Downtown Overlay District. For the purpose of these requirements, murals are purely artistic forms of expression that do not incorporate any advertisement for products, services or businesses. ~~Although~~ These forms of expression are generally regulated on a content-neutral basis and no mural will be permitted that contains language or design elements deemed offensive to the community.

(b) Requirements. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a wall mural permit ~~by the Planning and Development Department~~. The following design criteria shall apply to any mural artwork commissioned in the Downtown Overlay.

(1) The proposed wall mural shall be well integrated with the building and neighboring structures and be harmonious with the surrounding environment. The proposed wall mural, by its design, scale, construction and location, shall not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to Matthew's unique character and quality of life.

(2) The proposed wall mural shall exhibit exceptional design quality that enhances the overall development and appearance of both the site and Downtown Matthews. The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.

(c) ~~Ownership~~/Maintenance. Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. Graffiti shall be removed in accordance with the Graffiti Abatement Ordinance requirements for graffiti removal in Chapter 94A. Murals that are not maintained in a fashion similar to their original appearance may be considered a public nuisance.

(1) Anti-Graffiti coating required. An anti-graffiti coating shall be applied to all murals at the time of installation and reapplied at intervals determined by the manufacturer.

(d) Permit Required. A mural permit application shall be completed by the applicant and submitted to Town Staff for review and approval. The application should include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation should also be included in the application. Town Staff shall issue a permit upon finding that all standards have been met.

(O) Murals

1. Mural Design Requirements

(a) Purpose. To increase community identity and foster a unique sense of place in Downtown Matthews, murals are encouraged on buildings located within the Downtown Overlay District. ~~For the purposes of these requirements, murals are purely artistic forms of expression that do not incorporate any advertisement for products, services or businesses. Although~~ these forms of expression are ~~generally~~ regulated on a content-neutral basis, ~~under certain terms and conditions, no mural will be permitted that contains language or design elements deemed offensive to the community.~~

(b) Requirements. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a wall mural permit by the Planning and Development Department. The following design criteria shall apply to any mural artwork commissioned in the Downtown Overlay.

(1) The proposed wall mural shall be well integrated with the building and neighboring structures and be harmonious with the surrounding environment. The proposed wall mural, by its design, scale, construction and location, shall not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to Matthew's unique character and quality of life.

~~(2) The colors used in the wall mural shall be complimentary and harmonious with exterior colors of the structure and adjacent structures.~~

~~(3) The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.~~

(2) The proposed wall mural shall exhibit exceptional design quality ~~and incorporate high quality materials~~ that enhances the overall development and appearance of both the site and Downtown Matthews. ~~The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.~~

(c) Ownership/Maintenance. Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. ~~Proper maintenance shall include periodic painting or maintenance to prohibit chipping, peeling or fading. Graffiti shall be removed within 48 hours of documentation by the Matthews Police Department and notification of the property owner. in accordance with the Graffiti Abatement Ordinance requirements for graffiti removal in Chapter 94A.~~ Murals that are not maintained in a fashion similar to their original appearance may be considered a public nuisance.

(1) Anti-Graffiti coating required. ~~For all murals located within 15' of the street level, An~~ anti-graffiti coating shall be applied ~~to all murals~~ at the time of mural installation and reapplied at intervals determined by the manufacturer.

(d) Permit Required. A mural permit application shall be completed by the applicant and submitted to Town ~~Planning~~ Staff for review and approval. The application should include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation should also be included in the application. [Town Staff shall issue a permit upon finding that all standards have been met.](#)

Agenda Item:

DATE: April 2, 2013
RE: New zoning text for mural regulations
FROM: Jay Camp, Senior Planner

Background/Issue:

In January, the Town Board directed staff to begin work on new zoning text to regulate the placement of murals within the Downtown Overlay District. Although a mural policy has been created and definitions of murals added to the Zoning Ordinance, no regulations currently exist for the placement of murals. After considerable research, staff has completed a draft that is now ready for public review and comment.

Financial Impact:

None

Related Town Strategy:

1. (Quality of Life) To implement the Downtown Master Plan, the Economic Development Plan, the Parks & Recreation Master Plan and Comprehensive Bicycle Plan, updating each as appropriate, and ensure they coordinate with and fulfill the goals of each other.
25. (Ec Devt/Land Use Planning) To adopt and implement the Unified Development Ordinance and establish up-front development standards.
26. (Ec Devt/Land Use Planning) To develop a targeted business strategy for the Downtown, which may include defining a unique business niche concept.

Recommended Motion:

Accept Zoning Motion 2013-3 and set Public Hearing date for May 13, 2013

ZONING MOTION 2013-3

INITIATED BY MATTHEWS PLANNING DEPARTMENT

MOTION TO CHANGE: X **TEXT**
 DISTRICT BOUNDARIES

(IF FOR A CHANGE IN DISTRICT BOUNDARIES, LIST PARCEL(S) AFFECTED)

DATE OF INITIAL DISCUSSION TO SET HEARING 4-8-13

PUBLIC HEARING DATE 5-13-13

PROPOSED ACTION

Add regulations for the placement of murals within the Downtown Overlay District

AFFECTED AND/OR ADJACENT PROPERTY OWNERS NOTIFIED N/A

ATTACHMENTS INCLUDE Proposed new text sections of the Zoning Ordinance

PROTEST PETITION FILED? **YES (IF YES, DATE)**
 N/A **NO**

OTHER COMMENTS:

153.064 (O) Murals

1. Mural Design Requirements

(a) Purpose. To increase community identity and foster a unique sense of place in Downtown Matthews, murals are encouraged on buildings located within the Downtown Overlay District. These forms of expression are regulated on a content-neutral basis under certain terms and conditions.

(b) Requirements. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure intended to house a non-residential use prior to the issuance of a wall mural permit by the Planning and Development Department. The following design criteria shall apply to any mural artwork commissioned in the Downtown Overlay.

(1) The proposed wall mural shall be well integrated with the building and neighboring structures and be harmonious with the surrounding environment. The proposed wall mural, by its design, scale, construction, location, and message, shall not have a substantial adverse effect on abutting property or the permitted use, and will contribute to Matthews' unique character and quality of life. No images or text considered vulgar or offensive are allowed in conjunction with any mural.

(2) The colors used in the wall mural shall be complementary and harmonious with exterior colors of the structure and adjacent structures.

(3) The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.

(4) The proposed wall mural shall exhibit exceptional design quality and incorporate high quality materials that enhance the overall development and appearance of both the site and Downtown Matthews.

(c) Ownership/Maintenance. Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. Proper maintenance shall include periodic painting or maintenance to prohibit chipping, peeling or fading. Graffiti shall be removed within 48 hours of documentation and notification to property owner in accordance with the graffiti abatement requirements in Section 94A.04. Murals that are not maintained in a fashion similar to their original appearance may be considered a public nuisance.

(1) Anti-Graffiti coating required. For all murals located within 15' of ground level directly below the mural, an anti-graffiti coating shall be applied at the time of mural installation and reapplied at intervals determined by the manufacturer.

(d) Permit Required. A mural permit application shall be completed by the applicant and submitted to Town Planning Staff for review and approval. The application should include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the

general color palette to be used. A visual representation should also be included in the application