

# STAFF REPORT



**SUBJECT:** Discussion of Sign Regulations relating to Murals – Chapter 154

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## BACKGROUND:

A recent application for a mural is subject to denial based on the regulations prescribed by Chapter 154.

The Committee will review the sign regulations relating to murals and determine if proposed revisions should be forwarded to the Planning and Zoning Commission for a Public Hearing.

Applicable portions of Section 154.12 relating to Murals are provided below:

A mural sign is defined as “a wall sign that is a part of a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to a painting, fresco, or mosaic.”

An off-premise sign is defined as “a sign that directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.”

### 12-35 Mural sign.

(a) *Location.*

- (1) Signs must be premises signs.
- (2) Signs shall be painted directly on the surface of the building.

(b) *Area.* Maximum 100 percent of the area of the building elevation on which it is painted. Words and/or symbols may only be ten percent of the size of the entire mural.

(c) *Number of signs.* One per building structure

Section 154.12-12 provide the process for variance requests:

### 12-12 Variances.

- (a) Variance authorized. The Board of Adjustment (BOA) may authorize a variance to any restriction set forth in this chapter, including, but not limited to, the number, type, area, height or setback of signs, or any other aspect involved in the sign permitting process.
- (b) Approval standards. In granting any variance, BOA shall consider the following criteria and shall grant the variance only if:
  - (1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The city may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter; and

- (2) The strict interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of the chapter; and
- (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and
- (4) Granting the variance will meet the objectives of the chapter and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and
- (5) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
- (6) Granting of the variance will be in harmony with the spirit and purpose of this chapter.
- (7) In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.