

**ORDINANCE O-17-14**

**AN ORDINANCE AMENDING ZONING CODE ARTICLE 7 TO PROVIDE GUIDELINES FOR AND LIMITATIONS ON MURALS ON COMMERCIAL STRUCTURES IN THE BISBEE HISTORIC PRESERVATION OVERLAY ZONE**

**WHEREAS**, the unregulated application of murals has the potential to overwhelm the historic authenticity of the Historic District; and

**WHEREAS**, guidelines for murals in the historic district are a means of ensuring the continued visual aesthetic of the historic district while allowing for creative expression in appropriate locations and designs; and

**WHEREAS**, review criteria should provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimal intrusion into the artistic expression and content of the work; and,

**WHEREAS**, the Planning and Zoning Commission unanimously approved a proposed amendment to add a section to Article 7 (Signs) to the Zoning Code, Section 7.8, to provide such guidelines, as set forth in Exhibit A hereto; and

**WHEREAS**, if the proposed amendment is adopted, subsection 7.2.2(K) of the Zoning Code, attached hereto as Exhibit B, which addresses some of the same subject matter, will no longer be necessary and should be deleted; and

**WHEREAS**, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the Zoning Code set forth on Exhibit A hereto and delete subsection 7.2.2(K) set forth on Exhibit B.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:**

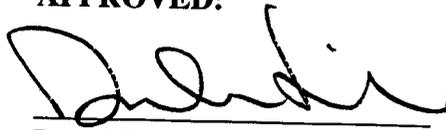
**Section 1.** The amendment to Article 7 of the Zoning Code, by adding a new section 7.8, as set forth in the attached Exhibit A, incorporated herein by reference, is hereby adopted.

**Section 2.** Having adopted said amendment to the Zoning Code, subsection 7.2.2(K), attached hereto as Exhibit B, addressing some of the same subject matter, is hereby deleted.

**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

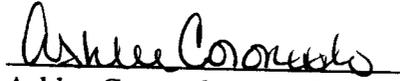
**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 21<sup>st</sup> day of November, 2017.

**APPROVED:**



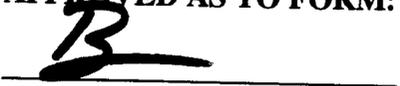
David Smith, Mayor

**ATTEST:**



Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**



Britt Hanson, City Attorney

## **EXHIBIT A**

### **AMENDMENT TO ZONING CODE ARTICLE 7 BY ADDING SECTION 7.8**

#### **ARTICLE 7.8**

##### **Murals in the Historic District**

**7.8.1 Purpose:** City of Bisbee's Design and Review Board to adopt guidelines for murals on commercial properties within the historic district. These guidelines for murals in the historic district were formulated as a means of ensuring the continued visual aesthetic of the historic district while allowing for creative expression in appropriate locations and designs. The established review criteria provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimal intrusion into the artistic expression and content of the work. Murals and other similar forms of visual art can both add or detract from the character of a building, structure, or district based upon their location, size, shape, color palette, materials used, and relationship to historic context.

##### **7.8.2 Review Criteria**

When a building owner is considering adding a Mural to their building or wall an application must be made to the Design and Review Board for consideration. When the building or wall is public property of the City of Bisbee the application process will follow the city's Art and Monuments in Public Space Application and Instructions.

##### **7.8.3 Mural Art vs. Signage**

Content distinguishes mural art from signage. While a sign specifically advertises a business, product or service through graphics or text, murals are solely artistic in nature. Murals may not include trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or entity. When an official interpretation is deemed necessary, Bisbee's Community Development Department will determine if a proposal is a mural or a sign. Mural art that constitutes a sign shall conform to the signage regulations of the zoning ordinance and applicable design guidelines.

##### **7.8.4 Guidelines**

###### **A. Location**

1. Murals are not permitted on unpainted contributing or landmark structures.  
Murals on unpainted non-contributing buildings or walls will be considered on a case-by-case basis.
2. Paint or mount all murals or other similar forms of visual art on the side or rear walls of the building, and not on its primary façade, above its roof line, or on any of its decorative elements.
3. The installation of a mural should complement and enhance the building or wall and be incorporated architecturally into the character of the historic district.

4. The location of a mural on the building should not cover or detract from significant or character-defining architectural features.
5. The location, size, nature, or type of mural shall not create a hazard to the safe and efficient operation of vehicles, or create a condition that endangers the safety of persons or property thereon. Murals may not extend beyond the eaves, parapet, or sides of a building.
6. If a mural is allowed to be mounted onto the building it must be done to prevent damage from moisture/condensation behind the attached panel. Generally, the hanging and/or anchoring of a mural should be reversible.

#### **B. Design & Materials**

1. The mural shall not obscure key features of the building or wall.
2. Paint utilized should be intended for exterior use and which will not compromise the integrity of the material to which it is applied. Reflective neon and fluorescent paint should not be used.
3. The application of murals on historic material should follow all relevant Preservation Briefs as published by the National Park Service's; "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings Technical Preservation Services."

## EXHIBIT B

### AMENDMENT TO ZONING CODE ARTICLE 7 BY ELIMINATING SUBSECTION 7.2.2(K)

~~K. Murals located on private walls or structures, with the exception of unpainted brick structures and the surface area of existing signs located within the Historic District, which are subject to the requirements of Article 3.5.2. An exempt mural may not include the name or logo of a business or enterprise, hours of operation, or references to goods or services to be provided. This exemption does not authorize the use of private property without the permission and consent of the property owner.~~