

ORDINANCE NO. 2023 - 22

AN ORDINANCE MODIFYING THE DEFINITION OF MURAL IN CITY CODE, CREATING A MURAL PERMIT APPROVAL PROCESS AND FEE, AND MODIFYING STANDARDS RELATED TO MURAL INSTALLATION AND MAINTENANCE, THEREBY AMENDING CHAPTERS 19, 21, AND APPENDIX A OF THE CITY CODE.

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] with ~~striketrough~~ text and adding those words that are underlined, to read as follows:

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CHAPTER 19: ZONING

ARTICLE I: GENERAL PROVISIONS

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DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS

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**MULCH.** A protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood and cocoa beans and inorganic mulch such as stones or rocks. Materials creating an impermeable cover shall not be considered **MULCH**.

**MURAL.** A hand produced or machined visual graphic applied or affixed to the exterior surface of a building or structure through the application of paint, canvas, tile, metal panels, applied sheet graphic, or other medium. Any representation which identifies a business or building by logo, product, service, trademark, message, or slogan is considered a sign. Uniform painting or coating of an exterior building surface does not constitute a mural. A mural is separate and distinct from graffiti, which is defined in § 12.72 of this city code.

**MUSEUM.** A museum or similar use which has as its primary purpose the collection, display or preservation of objects of community or cultural interest in one or more of the arts or sciences.

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## ARTICLE V: PERFORMANCE STANDARDS

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### § 19.63.08 EXTERIOR MATERIALS AND FINISH.

- (a) *Purpose.* The City Council finds that it is necessary to regulate the exterior finish and appearance of all primary and accessory buildings and structures that are erected in all of the primary nonresidential zoning districts in the city in order to ensure the consistency in quality, compatibility and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and human-made forces over time and a safe environment for those occupants, equipment and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood. A quality exterior finish also provides for improved health, safety and welfare of occupants and enclosed goods or equipment by providing increased protection through durability, strength, security, damage resistance and stability.
- (b) The following regulations apply to all nonresidential primary and accessory buildings and their additions in the following zoning districts:
- Single-Family Residential R-1 District[s]
  - Single-Family Residential R-1A District[s]
  - Large Lot Single-Family Residential RS-1 District[s]
  - Townhouse Residential R-3 District[s]
  - Multiple-Family Residential R-4 District[s]
  - Multiple-Family Residential RM-12 District[s]
  - Multiple-Family Residential RM-24 District[s]
  - Conservation SC District
- (1) *Coating of exterior walls.* No existing uncoated exterior wall finish material approved by the City Council as part of a development approval process shall be coated after the effective date of this section except for the following:
- (A) As approved in subsections (f), (g), and (h) below;
  - (B) Those portions of foundation walls above finished grade may be coated or sealed;
  - (C) Secondary materials may be coated or sealed; [~~and~~]

- (D) All exterior wall surfaces and secondary materials there were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include, sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority[-]; and
- (E) Murals approved according to the standards and procedures in § 21.301.25 of this city code.
- (c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:
- Multiple-Family Residential RM-50 District[~~s~~]
  - Multiple-Family Residential RM-100 District[~~s~~]
  - Neighborhood Office B-1 District
  - General Commercial B-2 District
  - Neighborhood Commercial Center B-4 District
  - Freeway Office and Service C-1 District
  - Freeway Commercial C-2 District
  - Freeway Commercial Center C-3 District
  - Freeway Office C-4 District
  - Freeway Mixed Use C-5 District
  - Regional Commercial CR-1 District
  - Freeway Development FD-2 District
  - Commercial Service CS-0.5 and CS-1 Districts
  - Commercial Office CO-1 District
  - Residential Office RO-24 District
  - High Intensity Mixed Use with Residential HX-R District
  - Lindau Mixed Use LX District
  - Innovation and Technology IT District
  - Transitional Industrial TI District

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- (2) *Coating of exterior walls.* No existing uncoated exterior wall finish material regulated by this section shall be coated after the effective date of this section except for the following:
- (A) As approved in subsections (f), (g), and (h) below;
  - (B) Those portions of foundation walls above finished grade may be coated or sealed;

- (C) Secondary materials as listed in subsection (c)(3) below may be coated or sealed;
- (D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and
- (E) Murals approved according to the standards and procedures in § 21.301.25 of this city code~~[are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation].~~

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- (d) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Industrial Park I-1 District

Limited Industrial I-2 District

General Industrial I-3 District

Industrial Park IP District

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- (2) *Coating of exterior walls.* No existing uncoated exterior wall finish material regulated by this section shall be coated after the effective date of this section, except for the following:
  - (A) The application of a clear, gas permeable coating on architectural concrete masonry units at the time of construction only upon certification of such recommendation or requirement by the manufacturer of the units when presented to and approved by the issuing authority. Maintenance shall be allowed thereafter, consistent with the recommendations or requirements of the unit manufacturer;
  - (B) As approved in subsections (f), (g), and (h) below;
  - (C) Those portions of foundation walls above finished grade may be coated or sealed;
  - (D) Secondary materials as listed in subsection (d)(3) below may be coated or sealed;
  - (E) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with

that existing surface treatment or any prior approval by the issuing authority; and

- (F) Murals approved according to the standards and procedures in § 21.301.25 of this city code~~[are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation].~~

\*\*\*

- (e) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Mixed-Use CX-2 District

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- (2) *Coating of exterior walls.* No existing uncoated exterior wall surface material regulated by this section shall be coated after the effective date of this section except for the following:

- (A) As approved in subsections (f), (g), and (h) below;
- (B) Those portions of foundation walls above finished grade may be coated or sealed;
- (C) Secondary materials as listed in subsection (e)(3) below may be coated or sealed;
- (D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and

- (E) Murals approved according to the standards and procedures in § 21.301.25 of this city code~~[are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation].~~

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**ARTICLE X: SIGN REGULATONS**

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**DIVISION B: CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

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## § 19.104 DEFINITIONS.

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**MULTI-VISION SIGN.** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

~~**[MURAL.** A work of graphic art painted or applied to a building wall(s) which contains no advertising or logos, except where expressly permitted by City Code.]~~

**NAME PLATE.** Any sign which identifies the residential property.

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## DIVISION C: GENERAL REGULATIONS

### § 19.105 REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

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(c) *Regulated signs exempt from permit requirements.*

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(10) ~~*[Murals. Murals are exempt from obtaining a permit]*~~ Reserved.

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## DIVISION D: DISTRICT PROVISIONS

### § 19.110 CLASS I SIGN DISTRICTS (R-1, R-1A, RS-1, SC).

\*\*\*

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

(1) *Directional signs.* See § 19.116.

(2) *Incidental signs.* See § 19.117.

(3) *Other regulated signs exempt from sign permits.*

\*\*\*

(J) ~~*[Murals. See § 19.105(c)(10)]*~~ Reserved.

\*\*\*

**§ 19.111 CLASS II SIGN DISTRICTS (R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24).**

\*\*\*

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Other regulated signs exempt from sign permits.*

\*\*\*

(l) ~~[Murals. See § 19.105(c)(10)]~~Reserved.

\*\*\*

**§ 19.112 CLASS III SIGN DISTRICTS (B-1, I-1).**

\*\*\*

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Other regulated signs exempt from sign permits.*

\*\*\*

(F) ~~[Murals. See § 19.105(c)(10)]~~Reserved.

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**§ 19.113 CLASS IV SIGN DISTRICTS (B-2, C-1, C-4, IP, I-2, I-3, CO-1, CS-0.5, CS-1, FD-2, IT).**

\*\*\*

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) ~~[Murals. See § 19.105(c)(10)]~~Reserved.

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**§ 19.114 CLASS V SIGN DISTRICTS (CR-1, C-2, C-3).**

\*\*\*

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

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### **§ 19.115 CLASS VI SIGN DISTRICTS (CX-2).**

\*\*\*

(d) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

\*\*\*

### **§ 19.115.01 CLASS VII SIGN DISTRICTS (HX-R).**

\*\*\*

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

\*\*\*

### **§ 19.115.02 CLASS VIII SIGN DISTRICTS (B-4, C-5, LX, TI).**

\*\*\*

(c) *Other signs.* All other signs shall be located on the site of the use unless specified otherwise.

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.



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## DIVISION E: SPECIAL PROVISIONS

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### § 19.121 SIGNS FOR HOTELS.

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(d) *Other signs.*

- (1) *Directional signs.* See § 19.116.
- (2) *Incidental signs.* See § 19.117.
- (3) *Window signs.* Window signs shall not be permitted.
- (4) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

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### § 19.122 SIGNS FOR CLASS I (NEW) MOTOR VEHICLE SALES.

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(d) *Other signs.* All other signs shall be located on the site of the use.

\*\*\*

(5) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

\*\*\*

### § 19.123 SIGNS FOR CONVENIENCE FACILITY WITH FUEL SALES.

\*\*\*

(d) *Other signs.* All other signs shall be located on the site of the use.

\*\*\*

(7) *Other regulated signs exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

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### § 19.124 SIGNS FOR OFFICE BUILDINGS WITH SEVEN OR MORE STORIES.

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(d) *Other signs.*

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(3) *Other regulated signs which are exempt from sign permits.*

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(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

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## **§ 19.125.02 SIGNS FOR COLLEGE CAMPUSES AND SCHOOLS (K-12).**

\*\*\*

(c) *Other signs.*

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(4) *Other regulated exempt from sign permits.*

\*\*\*

(E) [~~Murals. See § 19.105(c)(10)~~]Reserved.

Section 2. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] with ~~striketrough~~ text and adding those words that are underlined, to read as follows:

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## **CHAPTER 21: ZONING AND LAND DEVELOPMENT**

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### **ARTICLE III: DEVELOPMENT STANDARDS**

#### **DIVISION A: GENERAL STANDARDS**

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#### **§ 21.301.25 MURALS**

(a) *Findings, Intent, and Purpose.* The City Council finds that well-maintained exterior murals visible to the public provide a valuable means of artistic expression and enhance and contribute to the building of character and quality of place in Bloomington. The City Council further finds that other sections of this city code provide ample opportunity for businesses to erect signage containing commercial speech, ideas, or messages. The intent of this section is to promote additional expression within the city through murals in order to contribute to the building of character and quality of place in the city, while preserving aesthetics and high standards of appearance and preventing the further expansion of on or off-site commercial speech, ideas, or messages. These regulations pertaining to murals further the following purposes:

- (1) To encourage artistic expression of a non-commercial nature;
- (2) To stimulate the economic success of businesses in the city;

- (3) To support creative professionals, artists, and entrepreneurs;
- (4) To provide an opportunity for property owners to display unique artwork throughout the community;
- (5) To promote a sense of place and pride in the community;
- (6) To promote aesthetics and preservation of property values through regulation of the size, area, location, and other aspects of murals, and through long-term maintenance requirements and obligations;
- (7) To ensure that murals do not compromise public safety or proper building function; and
- (8) To promote the public health, safety, and welfare.

(b) Permit required.

- (1) A mural permit must be obtained prior to the commencement of installation or application of a mural to a building or structure surface.
- (2) Application procedures. The application procedures for a mural permit are specified in the *Murals Policies and Procedures* document.
- (3) Application Fee. The required fee for a mural permit is established in Appendix A to this city code.
- (4) Approval authority. Mural permits are reviewed and approved by the city's Creative Placemaking Director and Planning Manager, or their respective designees.
- (5) Appeals. The mural permit applicant may appeal a mural permit decision in writing to the Planning Manager within ten days of the decision. The City Council will review and act upon appeals of mural permit decisions at a public meeting. The required fee for an appeal to a mural permit decision is established in Appendix A to this city code.
- (6) Expiration. Mural permits expire if installation of the mural has not commenced within one year of the issuance of the mural permit.
- (7) Mural completion. The installation of an approved mural must be completed within two years of issuance of the mural permit.

(c) Prohibited mural types.

- (1) Murals containing representations which imitate or appear to imitate any official traffic sign or device or which appear 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 interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- (2) Murals obscuring or concealing life safety equipment, including but not limited to fire department connections, wall hydrants, lock boxes, and water flow horns or strobes, as determined by the Fire Marshal.
- (3) Murals that are directed to incite or produce imminent lawless action and are likely to incite or produce such action.
- (4) Murals that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.

- (5) Murals which contain material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic, political, or scientific value.
- (d) General standards.
- (1) Area. Murals on buildings are limited to a maximum coverage of 50 percent of the entire building wall area in elevation view totaled across all building sides.
  - (2) Height. No portion of a mural may extend above the surface on which it is installed.
  - (3) Projection. No part or element of a mural may project more than two feet beyond the plane of the surface upon which it is installed and must not encroach into a public easement of record without the written approval of the Director of Public Works.
  - (4) Sign incorporation within murals. Signs regulated by Chapter 19, Article X of this city code may be incorporated into an approved mural and must comply with all applicable sign requirements of this city code, but in no case may exceed ten percent of the total mural area. A separate sign permit is required when applicable for the sign type.
  - (5) Lighting. Any lighting incorporated into or utilized as part of a mural must comply with § 21.301.07 of this city code.
  - (6) Motion or flashing. Electrical, mechanical, or structural components that produce motion, flashing, scrolling, sequential lights, or any other effect of movement are not permitted as component or feature of a mural.
- (e) Maintenance. Murals must be installed and maintained in a manner that complies with the minimum durability and maintenance requirements identified in the *Murals Policies and Procedures* document.
- (1) Maintenance plan. A mural maintenance plan must be submitted for review and approval by both the Creative Placemaking Director and Planning Manager in conjunction with the mural permit application. The maintenance plan must include all the required content specified in the *Murals Policies and Procedures* document.
  - (2) Minimum maintenance requirement. Murals must not fall into a state of disrepair for the life of the mural and must follow the maintenance plan approved by both the Creative Placemaking Director and Planning Manager as part of the mural permit. A mural is considered to be in a state of disrepair when not preserved in a manner consistent with the approved design or approved maintenance plan documented within the approved mural permit.
  - (3) Mural repair or removal. Any mural that is not maintained according to the maintenance plan incorporated into the mural permit or that falls into a state of disrepair may be ordered to be repaired or removed by the Issuing Authority. Removal of an approved mural must include restoration of the building or structure surface in a manner deemed acceptable by Issuing Authority. Murals subject to a repair or removal order must be repaired or removed within 60 days

from the issuance date of the written order. Additional time may be authorized by the Issuing Authority for good cause shown.

- (f) Authority of the Creative Placemaking Director and Planning Manager. The Creative Placemaking Director and Planning Manager have the authority to implement and modify the Murals Policies and Procedures document for the purpose of specifying mural requirements, application procedures, and recommended best practices that are not established in this section. Modifications to the Murals Policies and Procedures document must be consistent with the requirements of this section.

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**ARTICLE V: ADMINISTRATION AND NONCONFORMITY**

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**DIVISION B: APPLICATION PROCESSES**

**§ 21.502.01 APPLICATION PROCESSES.**

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(c) *Application processes and fees.* See City Code Appendix A for fees.

Application Process	Review and Decision Making Authority					Notice		
	DRC	ST	HE	PC	CC	N	Mail	

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**Miscellaneous**

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Moratorium/interim ordinance extension		R			PH DM	N		
<u>Mural permit</u>		<u>DM</u>						
<u>Mural permit – appeal of permit denial</u>		R			DM			
Tent/canopy permit		DM						

Section 3. That Appendix A of the City Code is hereby amended by deleting those words that are contained in brackets [ ] with ~~strikethrough~~ text and adding those words that are underlined, to read as follows:

**APPENDIX A: ADMINISTRATIVE RELIEF AND FEE SCHEDULE**

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

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CODE SECTION	CROSS-REF	DESCRIPTION	FEE
<b>CHAPTER 21: Zoning and Land Development</b>			

§ 21.502.01(c)	§ 21.502.01(b)(11)	<b>Miscellaneous</b>	
		Certificate of appropriateness for historical preservation	\$170
		Moratorium/interim ordinance adoption	No fee
		Moratorium/interim ordinance extension	No fee
		<u>Mural permit</u>	<u>\$150</u>
		<u>Mural permit – appeal of permit decision</u>	<u>\$100</u>
		Tent/canopy permit	\$55

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Passed and adopted this 28<sup>th</sup> day of August, 2023.

/s/ Tim Busse  
Mayor

ATTEST:

/s/ Matt Brillhart  
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied  
City Attorney