

ZONING ORDINANCE TEXT AMENDMENTS

13. DEFINITIONS

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PUBLIC ART MURAL: A large painting or other work of visual art professionally applied directly on the side exterior wall of a building that (i) is visible from a public right-of-way or other public property; (ii) does not contain any hidden or overt text, logos, symbols, slogans or trademarks; and (iii) does not identify or advertise a business, product, service, event, institution, organization, location, or individual. A public art mural is not a sign, as defined in Section 8-14-9 of the City Code.

Table 3A: Permitted and Special Uses in All Zoning Districts

Uses listed are also Permitted or Special Uses in all higher-numbered districts with same letter designation.

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* Indicates uses allowed only along arterial streets designated in Comprehensive Plan.

** Conditional use only. See Section 7 - F.

*** The following list of Home Occupations uses shall be allowed in the TO zoning district provided that in aggregate no more than 25% of the gross floor area of the building, up to a maximum of 1,000 square feet, is occupied by one or more of these uses:

- a. art, photography, painting, sculpting or crafts studio,
- b. dressmaking, sewing, and tailoring,
- c. teaching of music or dancing to no more than 4 pupils at one time,
- d. other teaching or tutoring, limited to 6 pupils at one time,
- e. hair styling and cutting,
- f. repair of small appliances.

**** Massage establishment uses must also obtain a massage establishment business license and comply with the additional regulations provided in Title 3 Chapter 26 of the City Code Massage Establishments.

***** **Public art murals are permitted in the R-1, R-2, R-3, R-4, R-5, and R-6 only when located on a zoning lot already used for a park, playground, or forest preserve and open to the public. Public art murals must be installed in accordance with the additional regulations set forth in Title 8, Chapter 22 of the City Code.**

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Land Use	Most Restrictive (Lowest Numbered) Districts Use is a Permitted Use In	Most Restrictive (Lowest Numbered) Districts Use is a Special Use In
* * *	* * *	* * *
Public Art Mural*****	R1 B2 O1 TO M1	
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CITY CODE AMENDMENTS

CHAPTER 22

PUBLIC ART MURALS

8-14-1: PURPOSE:

Public art murals, as defined in Section 13 of the Warrenville Zoning Ordinance, can enhance the character and aesthetics of public spaces as well as embody walls with history, storytelling, and placemaking that distinguish the City from other communities. The purpose of this chapter is to allow the installation of public art murals pursuant to reasonable conditions and restrictions.

8-14-2 – PERMIT REQUIRED:

Public art murals are prohibited in the City unless installed pursuant to a permit issued by the City in accordance with this chapter.

8-14-3 – PUBLIC ART MURAL STANDARDS.

No permit may be issued for a public art mural unless the public art mural complies with the following standards:

- A. The public art mural must be located on a lot where public art murals are permitted pursuant to Table 3A of the Warrenville Zoning Ordinance.
- B. No more than one public art mural is permitted per building and the mural must be confined to only one wall.
- C. No more than one public art mural is permitted per zoning lot.

- D. Public art murals may only be installed on secondary facades and may not be installed on facades facing primary street frontages.
- E. Public art murals must be at least 64 square feet in size.
- F. A public art mural may not extend more than six inches from the plane of the wall it is placed upon and must be entirely located on zoning lot.
- G. Public art murals must be sealed with anti-graffiti and UV resistant coating immediately upon completion of the mural.
- H. Public art murals material medium must be compatible with the surface and/or substrate so as not to degrade or damage the underlying surface (e.g., mineral paint formulated for masonry should be used on masonry or concrete walls rather than acrylics)
- I. A public art mural may not have or include electrical or mechanical components or use any moving structural elements, flashing, lighting, or other elements that result in movement or the appearance of movement or change in the mural image.
- J. Public art murals may be illuminated by downlighting that is turned off and back on not more than once every 24 hours provided that the illumination must comply with the performance standards contained in 10-9.I of the Warrenville Zoning Ordinance.
- K. Public art murals may not contain known gang symbols or depict an offensive act, utterance, gesture or display that creates a clear and present danger of a breach of peace or imminent threat of violence.
- L. Public art murals may not depict material harmful to minors.

8-14-4 - APPLICATION.

A public art mural permit application must be submitted to the Community Development Department that includes, without limitation, the following information and documents:

- A. A color rendering of the proposed mural, including dimensions and a site rendering of the proposed wall or facade upon which the mural would be installed or affixed.
- B. An aerial map providing the location where the proposed mural would be installed and photographs of the site location and its immediate surroundings.
- C. A narrative that includes a written description of the proposed mural, the project timeline, budget and funding sources.
- D. Resume or biography for each artist involved in the design and application of the mural that includes a list of examples of their previous mural projects work and the location of each project.
- E. A maintenance and removal plan that includes:
 - 1. the proposed timeline or lifespan of the mural;

2. information explaining the proposed wall preparation, materials, installation process, protective coating; and
3. statement attesting that the protective coating will be applied in order to preserve the integrity of the building, structure and mural.
4. an explanation for how the mural may be removed without damaging the surface of the exterior wall.

F. A mural maintenance and removal agreement, in a form prepared by and acceptable to the City, executed by the artist and property owner, that, among other things, contains a waiver of the Visual Artists' Rights Act, 17 U.S.C. §§ 106, 106A and 113, as amended, executed by the artist. The maintenance and removal of mural agreement must be recorded against the property on which the mural is located and must provide for a minimum mural maintenance period of five years. The property owner must agree to be ultimately responsible for the maintenance and removal of the mural.

G. An affidavit attesting that the notice required by Section 8-14-5 was provided and a copy of the letter mailed to the neighboring properties.

H. A letter from the property owner consenting to installation of the public art mural.

I. The application fee, in the amount set forth in the Annual Fee Ordinance.

8-14-5 – NOTICE REQUIRED.

At least 21 days before the Tourism and Arts Commission meeting at which the application will be considered, the applicant must send written notice by first class mail to the record title owner or the tax payer of record listed on the DuPage County Assessors Office, if different, of each property located on both sides of the same block where the public art mural will be installed. The written notice must contain the address of the mural, a rendering of the proposed mural and its location on the building, and the date and time of the Tourism and Arts Commission meeting at which the application will be considered.

8-14-6 – APPROVAL PROCEDURE.

A. Application. An application must be filed in accordance with Section 8-14-4.

B. Action by the Community Development Department: Upon receipt of an application for a public art mural permit, the Community Development Department will review the application and, if complete, and proposed to be in a location permitted by Table 3A of the Warrenville Zoning Ordinance, will transmit the application to the Tourism and Arts Commission for its review and recommendation.

C. Action by the Tourism and Arts Commission: The Tourism and Arts Commission will consider the application at a public meeting of the commission in accordance with the review criteria set forth in Subsection 8-14-5.E and transmit its written recommendation to the City Council.

D. Action by the City Council: The City Council will consider the application at a scheduled public meeting and will either approve or disapprove the issuance of the public art mural permit by resolution.

E. Review Criteria for Public Art Murals: The Tourism and Arts Commission and the City Council will recommend approval of or approve (as applicable) the public art mural permit if the public art mural comports with the following criteria:

1. The public art mural complies with the standards set forth in Section 8-14-3.
2. The public art mural will have sufficient durability and structural integrity to remain in good condition for at least five years.
3. The public art mural satisfies the purpose of this chapter because it
 - a. Includes history, storytelling, or placemaking content, themes, or inspiration; or
 - b. Is inspired by, educates about, or advocates for at least one attribute or aspect of the City and its residence, including, without limitation, its vibrancy, diversity, or traditions; and
 - c. Is consistent with and enhances the family-friendly character of the City's public spaces.
4. The public art mural will not create a danger for motorists or pedestrians, nor will it limit the use or enjoyment of an adjacent property or any property with a clear line of sight to the public art mural.

8-14-6 – MAINTENANCE AND REMOVAL REQUIRED.

A. The public art mural permittee and the owner of the property on which a public art mural is located must maintain the public art mural in good and safe condition such that it maintains its original color vibrancy, does not have any flaking, torn, peeling, or otherwise deteriorating surfaces, and is not defaced or altered such that it no longer conforms with the originally approved design.

B. If the public art mural is not maintained in accordance with subsection A of this section or if it is no longer desired by the property owner, the mural must be fully removed such that no remnant of the mural remains and the exterior wall to which it had been affixed is in good and clean condition.

8-14-7 – RESERVED.

8-14-8 – PENALTY.

Any person who violates any of the provisions of this chapter shall be subject to a fine as provided in section 1-4-1 of this code for each offense. Each day on which a violation exists shall constitute a separate and distinct offense.