

TEMPORARY ORDINANCE NO. 35-21

PERMANENT ORDINANCE NO. 33-21

AN ORDINANCE APPROVING AND ADOPTING AN ADDENDUM TO THE HISTORIC LANCASTER COMMISSION'S DESIGN GUIDELINES, FOR THE PURPOSE OF ESTABLISHING RULES AND GUIDELINES FOR MURAL ARTWORK WITHIN THE LANCASTER HISTORIC DISTRICT; AND DECLARING AN EMERGENCY

WHEREAS, Lancaster Codified Ordinance 1327.07 requires this Council's adoption of any changes, alterations, or additions to the Design Guidelines adopted by the Historic Lancaster Commission; and

WHEREAS this addendum is needed to ensure the beauty and structural integrity of buildings located in the Historic Lancaster District; and

WHEREAS, the Historic Commission seeks the adoption of this addendum to address the increasing number of applications related to mural artwork within the Lancaster Historic District; and

WHEREAS, the Historic Lancaster Commission has held the required public hearing and submits this addendum to City Council for its final approval and adoption into the Historic Lancaster Commission's Design Guidelines;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. This Council hereby approves and adopts the Addendum to the Historic Lancaster Commission's Design Guidelines, titled Mural Artwork: Guidelines and Requirements, in the form presented to this Council and on file with the Clerk, and as attached hereto as Exhibit A.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City's Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the immediate preservation of the structural integrity of buildings located within the Lancaster Historic District.

Passed: 10/25/21 after 2nd reading. Vote: Yeas 9 Nays 0

Approved: 10/25/21

Clerk: Teresa Lee Sandy

Offered by: Cory Schoonover

Second by: Or Hall

Teresa Lee

President of Council

David L Scheffler

Mayor

Requested by Code Enforcement & Zoning Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2021 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Teresa Lee Sandy
Clerk of Council

**HISTORIC LANCASTER COMMISSION DESIGN GUIDELINES
ADDENDUM: MURAL ARTWORK GUIDELINES & REQUIREMENTS**

SECTION I. PURPOSE OF MURAL ARTWORK GUIDELINES

The use of public art is encouraged in the Historic Lancaster District. Mural artwork is widely considered one of the oldest methods of artistic expression. Mural artwork and outdoor sculptures bring art from the private to the public sphere, add visual and aesthetic value to neighborhoods, and provide a medium to display the history, beliefs and culture of a community. When appropriately executed, mural artworks can enhance the character of a historic district. Mural artwork art should be regulated to ensure continued visual aesthetic of the Lancaster Historic District while allowing for compatible artistic and creative expression in appropriate locations and designs.

SECTION II. DEFINITIONS

1. **Primary Façade** - portion of a building that faces the street (a corner lot, may include more than one primary façade)
2. **Commercial Speech** – an expression related solely to the economic interests of the speaker and its audience. Commercial speech does no more than propose a commercial transaction.
3. **Non-Commercial Speech** – an expression that relates to more than a proposition of a commercial transaction.
4. **Mural artwork** – a large picture or graphic illustration that is painted or mounted directly to the surface of a building located within the Lancaster Historic District.
5. **Obscenity** – Content, which if viewed by the average person applying contemporary community standards, would find the work taken as a whole appeal to the prurient interests, whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law, and whether the work taken as a whole lack serious literary, artistic, political, or scientific value.
6. **Sign** – any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs as defined herein do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations; one corporate flag; works of art which in no way identify a product; temporary holiday decorations; or landscape features which display no words or symbols. (L.C.O. §1317.02(b)(26)).

SECTION III. LOCATION AND PLACEMENT REQUIREMENTS

1. Mural artwork is not permitted on the primary façade of a building *except* in discrete second story locations that enhance the architecture of the building.
2. The number of mural artwork pieces per block face should be limited to discourage visual clutter.
3. Historically significant mural artwork (including historic advertisements) may not be painted over, even if faded, **except** for the repainting of “ghost signs” is permitted.

4. The location of mural artwork on the building should not cover or detract from the significant or character-defining architectural features.
5. Mural artwork shall not cover working windows or door openings, with the exception of emergency exit doors, provided that the mural artwork will in no way prohibit or restrict the use of the emergency exit door for its intended purpose.
6. Mural artwork may be used to cover blocked-in windows and doors if in scale with the enclosure.
7. Mural artwork is only permitted on non-residential buildings and residential buildings being used for non-residential purposes.
8. Mural artwork shall not be placed in the public right-of-way, including any of the squares or planting beds, without the approval of the City Engineer. (L.C.O. §1317.03(d)).

SECTION IV. DESIGN & MATERIAL REQUIREMENTS

1. The scale of mural artwork should be appropriate to the building and the site.
2. Mural artwork is prohibited on unpainted surfaces, such as masonry walls or natural woodwork.
 - a. If treating a masonry wall that is already painted, it is usually best not to try to remove the paint, as this could cause irreversible damage (*see section on Masonry in Design Guidelines for additional information*).
3. Mural artwork may be installed on unpainted buildings by placing it on its own substrate, set off from the mounting surface and affixed securely to the building.
4. Mural artwork may not project more than six (6) inches from the building wall or structure on which they are affixed.
5. Sand or high-pressure water blasting that could damage a building's façade is prohibited.
6. Mural artwork is prohibited from containing graphics or text that can be interpreted as commercial speech *except* for recreations of vintage advertising shall be permitted.
7. Lighting that conforms with the Design Guidelines may be used for night time illumination of a mural artwork.
8. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding and artificial stone shall be avoided in installations.
9. Mural artwork shall not project above the building roof line.
10. Mural artwork shall not include representations that imitate or appear to imitate any official traffic sign or device.
11. Mural artwork shall not contain obscenity.
12. Mural artwork should be an original design by the artist.
13. Sponsor and artist names may be incorporated into the mural artwork but should be discreet and not exceed five-percent (5%) of the mural artwork or two (2) square feet in area, whichever is less.
14. Paint utilized should be intended for exterior use and of superior quality so that it will not corrode or compromise the integrity of the material to which it is applied.

SECTION V. MAINTENANCE REQUIREMENTS AND VIOLATIONS

1. Mural artwork shall be maintained to prevent fading and / or loss of its integrity.
2. The City is **not** responsible for maintaining a mural artwork.
3. The property owner is responsible for all maintenance of the mural artwork.

4. If the mural artwork is not maintained, the City may require that the mural artwork be repaired or removed at the property owner's cost.
5. If a mural artwork becomes marked with graffiti, the property owner must promptly remove the graffiti and repair the mural artwork.
6. Mural artworks are subject to the maintenance requirements set forth in Lancaster Codified Ordinance §1327.16.
7. Failure to maintain mural artwork shall be considered a violation of Lancaster Codified Ordinance §1327.17.

SECTION VI. ADDITIONAL REQUIREMENTS FOR CERTIFICATE OF APPROPRIATENESS APPLICATIONS

In addition to the normal application for a Certificate of Appropriateness, the applicant shall also submit the following information about proposed mural artwork:

1. Building Elevation drawn to scale that identifies the following:
 - a. The façade on which the mural artwork is proposed
 - b. Location of existing and proposed mural artwork
 - c. Dimensions of the mural artwork
 - d. Height of the mural artwork above grade
 - e. Building eave/cornice and roof line
2. Map and site plan drawn to scale that identifies building location, façade on which the mural artwork will be located, and names of streets that abut the site.
3. Written description of the type of mural artwork (painted, printed, mosaic, etc.), details showing how the mural artwork will be affixed to the wall surface and specifics of intended materials to be used.
4. Owner/artist agreement including maintenance responsibilities.
5. High quality image of the mural artwork's design depicting accurate color and content.