

**AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE SECTION 402.010 AND SECTION 406.010 TO INCLUDE PROVISIONS FOR MURALS**

WHEREAS, the City of Parkville submitted an application for text amendment to amend Parkville Municipal Code Section 402.010 *Definitions* and Section 406.010 *Old Town District - OTD* to include provisions for murals (Case No. PZ18-19); and

WHEREAS, over the years two murals have been painted in downtown Parkville in the alleyway between 11 Main Street and 7 Main Street and their popularity has grown, influencing visitors to travel to downtown Parkville; and

WHEREAS, staff was contacted by the Main Street Parkville Association (MSPA) and property owners in downtown Parkville regarding City requirements and the process for getting a mural approved; and

WHEREAS, on June 16, 2015, the Board of Aldermen adopted design guidelines to clarify the regulation of paint color in the "OTD" Old Town District via Ordinance No. 2815; and

WHEREAS, the Development Code currently permits painting on "traditionally-painted materials" such as wood and prohibits painting on brick and stone in the "OTD" unless already painted or expressly approved by the Planning and Zoning Commission; and

WHEREAS, staff and the City's legal counsel reviewed mural regulations in other communities including the cities of Kansas City, Mo.; Lee's Summit, Mo.; Independence, Mo.; Blue Springs, Mo.; Raytown, Mo.; and Lawrence, Ks.; and have incorporated many parts/elements of these communities' ordinances into the proposed text amendment; and

WHEREAS, a public hearing was held on July 10, 2018, at the regular meeting of the Planning and Zoning Commission to consider the application and the Planning and Zoning Commission recommended continuing the public hearing and postponing their decision until the next regular meeting on August 14, 2018; and

WHEREAS, staff attended the July 11, 2018, meeting of the MSPA to discuss and receive feedback on the proposed text amendment; and

WHEREAS, a public hearing was continued on August 14, 2018, at the regular meeting of the Planning and Zoning Commission to consider the application; the Planning and Zoning Commission concurred with staff's conclusions and recommendation and unanimously voted 8-0 to recommend the Board of Aldermen approve the text amendment; and

WHEREAS, the Board of Aldermen concurs with the conclusions of the Planning and Zoning Commission and accepts their recommendation.

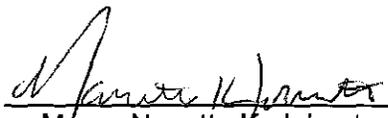
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

**SECTION 1.** Parkville Municipal Code Section 402.010 *Definitions* is hereby amended, as shown in Exhibit A which is attached hereto and incorporated herein by reference.

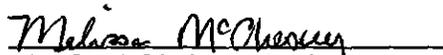
SECTION 2. Parkville Municipal Code Section 406.010 *Old Town District - OTD* is hereby amended, as shown in Exhibit B which is attached hereto and incorporated herein by reference.

SECTION 3. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 18<sup>th</sup> day of September 2018.

  
\_\_\_\_\_  
Mayor Nanette K. Johnston

ATTESTED:

  
\_\_\_\_\_  
City Clerk Melissa McChesney



## Section 402.010. Definitions

- A. **Defined Terms.** All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this Code.

***Mural.*** Any painting, fresco, decoration, mosaic or similar art form intended for décor/commemoration applied to a wall, fence or structure.

## Section 406.010 Old Town District - OTD

- E. **Design and Performance Criteria.** Buildings and sites shall be designed to meet the following performance standards. Any exceptions or discretionary approvals shall be judged against these design and performance standards.
1. All buildings and sites shall promote vibrant streetscapes with active uses and attractions located in storefronts of buildings, frequent windows, and a repetitive pattern of doors which are the primary entrance.
  2. For new construction, a building must incorporate architectural styles, design features, building materials and accents that are compatible with original materials used throughout the surrounding block. For alterations or expansions, the materials and design should be consistent with the original building elements and characteristic of the building period, and should not cover, destroy or otherwise minimize original architectural elements.
  3. As a general rule, buildings must maintain similar base courses, cornice lines and horizontal lines of windows complementary to those used in surrounding buildings.
  4. Buildings must not have long, monotonous, uninterrupted walls or roof planes visible from the street or other public rights-of-way. Building walls more than 15 feet in length must include elements that add architectural interest and variety such as projections, recesses, offsets, windows, painted features or blank window openings trimmed with frames, sills or lintels.
  5. Facades visible from the public right-of-way should be architecturally emphasized through the arrangement of windows, entrance treatments and details.
  6. Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the character of the district.
  7. Walls and fences should be architecturally compatible with the style, materials and colors of the principal building on the same lot.
  8. With the exception of the following, paint color is considered to be a matter of choice, and has no bearing on the preservation of structures.
    - a. Owners are encouraged to use historically appropriate colors schemes and contrasts, including use of primary building colors with trim, doors, awnings and other accents in complimentary colors.
    - b. Only traditionally painted materials, such as wood, should be painted.
    - c. Original materials such as brick and stone that are traditionally left unpainted shall only be painted when already painted prior to the effective date of Ordinance No. 2815 (June 16, 2015), or when expressly approved by the Planning and Zoning Commission, as necessary, to unify disparate parts of a building that have been altered or expanded over time, **or as an approved mural.**
    - d. Inclusion of logos, images, or patterns, including but not limited to stripes, dots, waves, and similar patterns, used primarily to attract attention to a structure shall not be permitted unless approved as signage in accordance with Chapter 410.
    - e. **Murals may be painted on walls, fences or structures — provided the design is permitted by the property owner, presented to the Main Street Parkville Association for a recommendation by their Officers (approval, denial or no recommendation) along with an explanation of said recommendation, and then approved by the Planning and Zoning Commission.**
      - i. **Murals deemed advertising signs, billboards or graffiti are not encouraged.**
      - ii. **Murals shall not imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which**

## **Section 406.010 Old Town District - OTD**

**obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.**

- iii. Murals shall not contain vulgar, obscene or offensive material, including offensive material of a sexual nature. This includes material that when taken as a whole (1) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (2) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (3) a reasonable person would find the material lacks serious literary, artistic, political or scientific value.**
- iv. Murals shall be kept in good condition and preserved in the manner in which they were originally created.**