

Suggested amendment to the Comprehensive Development Ordinance:

### **Section 3.1.2 Zoning Permit Required**

#### **(c) Exemptions:**

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. 1-18 *as written*

19. Public art on private property, provided the following:

a. The installation meets applicable building code for wind load, structural stability, mounting and any anchoring, to protect public health and safety;

b. The specific installation shall not be insulting, threatening based on characteristics that are protected under antidiscrimination laws, represent hate, violence, or direct personal insults that are so offensive they are likely to provoke violence;

c. If mounted on a historic structure, shall be installed so as to avoid damage to historic materials and shall be removable without causing permanent damage or diminish the integrity of the structure. If mounted to a masonry building, the fasteners shall penetrate mortar rather than masonry units so as to be repairable.

d. Within the Form Districts, the proposed art may not cause or increase any non-conformity to required dimensional standard under Section 14.4.13, *Urban Design Standards* (including, but not limited to Façade voids, transparency of glazing) nor under Section 14.3.13 *Shopfront* (Ground floor façade voids.)