

ORDINANCE # 2016-2090

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE SECTION 7.22.04, REGULATION OF MURALS, TO AMEND THE DEFINITION OF "MURAL," ADD DEFINITIONS OF "COMMERCIAL" AND "NON-COMMERCIAL" AND TO FURTHER AMEND THE REGULATION OF MURALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council seeks to amend the City's existing mural regulations for the City's Downtown District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION I. That Section 7.22.04, Regulation of murals, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.22.04. Regulation of murals.

1. Definitions. ~~The definition of mural as it exists in section 13.02.00 of appendix A of the city's land development code and as it may be amended from time to time shall apply to this section. The following definitions apply to this section:~~
Commercial shall mean concerned with, or related to, commerce or a business.
Mural shall mean any non-commercial picture or graphic design painted on, or otherwise applied to, the exterior of a building or structure or painted on, or otherwise applied to, the interior or exterior of a window.
Non-commercial shall mean not having a relationship to a commercial objective.
2. Applicant information ~~Application for permit.~~ No person shall create a mural without first obtaining an approval ~~permit~~ from the City Council ~~city manager~~. Applicants shall provide the following information to the City Manager: Applications shall be made on a form provided for that purpose which shall be made available at the office of the city manager and which shall contain:
 - a. The name and address of the applicant;
 - b. The name and address of the building or structure owner;
 - c. The full legal description of the subject property;
 - d. The street address of the subject property;
 - e. A drawing, sketch, photograph or graphical representation showing the proposed location of the mural;
 - f. A drawing, sketch or graphical representation of the proposed mural;
 - g. A description of the proposed mural, including dimensions, colors, a description of the type and quality of paint and top coat to be used on the proposed mural, or if application of media other than painting is proposed, the method of application and materials to be used, and a description of the procedures for preparation of the wall on which the mural is to be located;
 - h. ~~Payment of the application fee as indicated on the form.~~ Owner's notarized signature authorizing the specific proposed mural on the subject building or structure.
3. Review procedure. All ~~proposals~~ applications will be reviewed by the ~~mural committee~~ of Main Street organization design committee or other similar advisory board assembled for the purpose of conducting a technical review of the mural proposal ~~application~~. The technical review shall include, but shall not be

limited to, an analysis of the preparation of the wall on which the proposed mural shall exist, ~~and~~ the type and quality of paint and top coat to be used on the proposed mural; and whether the mural complies with all of the requirements of this section. The recommendation shall not be based on the content of the mural that otherwise complies with all of the requirements of this section. The committee shall submit its analysis and recommendation to the ~~City Council-development review committee~~ within ~~thirty (30) forty five (45)~~ days of submission of the proposal application to the ~~City M~~anager's office. ~~The development review committee shall submit a report and recommendation to city council within ninety (90) days of submission of the application. The City Council shall approve or deny the proposal application for a mural permit within sixty (60) one hundred and twenty (120) days of submission of the proposal application to the City M~~anager's office, based on its compliance with the requirements of this section. The decision to approve or deny the mural shall not be based on the content of a mural that otherwise complies with all of the requirements of this section. If the city council fails to approve or deny the application for a permit within one hundred and twenty (120) days of submission of the application to the city manager's office, the city manager shall issue the permit upon submission of the application fee to the city manager's office, as described herein, by the applicant. The city manager shall issue a permit upon approval by the city council and upon the submission of an application fee, as described herein, by the applicant.

4. ~~Mural location. A permit shall only be issued for M~~murals shall only ~~that will~~ be located within the area designated with the Downtown and Downtown Core Future Land Use Categories on the Future Land Use Map of the City's Comprehensive Plan downtown district.
5. ~~Sign regulations. A permit shall not be issued for a mural that would be constructed in a manner so as to contravene, extend, expand or modify the city's existing signage regulations, or modifications thereto, as further set forth in chapter 13 of appendix A of the city's land development code.~~
56. ~~Subject matter. A permit shall only be issued for M~~murals shall ~~that~~ depict an images, including but not limited to those that relates to either the history or culture of the City of New Port Richey or of its sister ~~City~~ or of West Pasco County or to the natural environment of any of them. Text, including the artist's signature, is limited to two percent of the total mural area.
67. ~~Maintenance and preservation. Once a mural is complete, the owner of the building on which the mural is installed shall be required to maintain and preserve the mural. This duty includes taking measures to prevent fading, peeling, bubbling or other noticeable wear; repairing any damage including, but not limited to, graffiti; and keeping the mural reasonably clean and in a good and presentable state. Failure to comply with the requirements of this section shall constitute a violation of the City Code subjecting the owner to code enforcement proceedings.~~

SECTION II. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION III. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to "section" to accomplish such codification.

SECTION IV. This Ordinance shall become effective immediately upon its adoption.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2016.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2016.

ATTEST:

Judy Meyers, Interim City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Joseph A. Poblick, City Attorney