

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 7.22.04 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO REGULATION OF MURALS; PROVIDING FOR REVISION OF THE DEFINITION OF MURALS TO EXCLUDE THOSE APPLIED TO WINDOWS; PROVIDING FOR REQUIREMENTS FOR PAINTS USED IN MURALS; PROVIDING FOR ALLOWANCE OF MURALS IN ALL COMMERCIAL AND MIXED USE BUILDINGS THROUGHOUT THE CITY; PROVIDING FOR PROHIBITION OF INAPPROPRIATE IMAGES IN MURALS; PROVIDING AUTHORITY FOR THE OWNER TO REMOVE MURALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the application of murals to buildings within the City enhances the aesthetics and culture of the City;

WHEREAS, murals are currently allowed only in limited areas of the City;

WHEREAS, the City Council wishes to expand the areas where murals may be placed throughout the City, and revise the regulations to address other matters deemed appropriate and necessary to the proper application of murals within the City;

WHEREAS, this ordinance has been reviewed by the Land Development Review Board as required by law;

WHEREAS, notice of this ordinance has been provided as required by applicable law; and

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

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

SECTION 1. Section 7.22.04, of Chapter 7, of the New Port Richey Land Development Code, pertaining to regulation of murals, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

7.22.04. Regulation of murals.

1. *Definitions.* 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.* No person shall create a mural without first obtaining an approval from the City Council. Applicants shall provide the following information to the City Manager:
 - 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, which shall be mold resistant exterior grade 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. The building owner's notarized signature authorizing the specific proposed mural on the subject building or structure.
3. *Review procedure.* All proposals will be reviewed by the Main Street organization design committee or other similar advisory board assembled for the purpose of conducting a technical review of the mural proposal. 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, 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 within thirty (30) days of submission of the proposal to the City Manager's office. The City Council shall approve or deny the proposal for a mural within sixty (60) days of submission of the proposal to the City Council Manager'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.
4. *Mural location.* Murals ~~may shall only~~ be located anywhere within the city upon buildings lawfully used for commercial purposes or for mixed commercial and residential purposes area designated with the Downtown and Downtown Core Future Land Use Categories on the Future Land Use Map of the City's Comprehensive Plan.
5. *Subject matter.* Murals ~~should shall~~ depict images, ~~including but not limited to those~~ that relate 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. Murals shall not depict images that are violent, obscene, vulgar or sexual in nature.

6. *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. Nothing contained herein shall be construed to limit the building owner's right to remove or completely obscure the entire mural at any time.

SECTION 2. 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 3. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. 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 5. This ordinance shall become effective immediately upon its adoption as provided by law.

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 _____, 2021.

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 _____, 2021.

ATTEST:

Judy Meyers, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney

CA Approved 8-19-21