



CITY COUNCIL WORK SESSION MEETING
CITY OF NEW PORT RICHEY
NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA
September 3, 2024
4:00 PM

AGENDA

ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE LAW DOES NOT REQUIRE THE CITY CLERK TO TRANSCRIBE VERBATIM MINUTES; THEREFORE, THE APPLICANT MUST MAKE THE NECESSARY ARRANGEMENTS WITH A PRIVATE REPORTER (OR PRIVATE REPORTING FIRM) AND BEAR THE RESULTING EXPENSE. (ES.286.0105)

ORDER OF BUSINESS

1. Call to Order - Roll Call

DISCUSSION ITEMS

2. Discussion Regarding the Mural Ordinance and the Public Art Ordinance - Page 2
3. Adjournment

Agendas may be viewed on the City's website: www.dtynp.org This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, all persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk, 727-853-1021, not later than four days prior to said proceeding.



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council

FROM: Debbie L. Manns, ICMA-CM, City Manager

DATE: 9/3/2024

RE: Discussion Regarding the Mural Ordinance and the Public Art Ordinance - Page 2

SUMMARY:

The request is for the City Council to conduct a discussion relating to the Mural Ordinance and the Public Art Ordinance and to provide the City Manager with direction as to any modifications to the current ordinance which may be warranted.

Murals have long been a means of artistic expression, cultural representation and community engagement. Murals have now become an increasingly popular public art form that adds vibrancy to the built environment. Most communities have a mural ordinance which typically prescribes detail such as: permitted themes, approval process, wall selection, painting, coating and maintenance. Many communities also have mural programs, and they commission artists to establish murals at predetermined locations.

The purpose of the discussion with the City Council is to seek specific direction relating to several key questions regarding the city's current mural ordinance. The questions are as follows:

Key Questions

1. Should the city regulate the content of murals?
2. If it is believed that the city should regulate the content of murals what should the standards be?
3. If there are standards who should be responsible to ultimately decide whether a proposed mural meets the standards?
4. In what zoning districts of the city should murals be permitted?
5. Should a mural master plan be developed?
6. Should the city amend the Public Art Ordinance to require a small contribution to the fund by developers implementing projects in the city absent any public art features?
7. Should the Public Art Fund be used to finance the installation and maintenance of murals on public and private property?

At the conclusion of the discussion, the staff is prepared to act on the direction provided by the City Council.

REQUESTED ACTION:

The recommendation is for the City Council to discuss elements relating to the Mural Ordinance and the Public Art Ordinance and to provide direction to the staff as appropriate.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Mural Ordinance	Backup Material
<input type="checkbox"/> Public Art Ordinance	Backup Material

7.22.00 - General District Regulations

7.22.01 Easements.

Unless otherwise provided for in this land development code, no structure can be constructed or erected on or within a recorded easement, exclusive of portable items which can easily be removed such as, but not limited to, playground equipment and lawn furniture.

7.22.02. Impervious surface area.

Unless otherwise specified in this code, no more than sixty (60) percent of residential lots and seventy (70) percent of commercial lots shall be covered with paving or other types of impervious surfaces, including structures. A waiver to this requirement can be granted by the city council.

7.22.03. Orientation of structures.

All newly-constructed buildings, whether commercial or residential, which are built on property that is adjacent to a dedicated street shall be built so that the primary facade, as herein defined, is parallel to the street. The primary facade of a structure shall be the exterior face of a building that is the architectural front. The primary facade shall contain the primary entry of the structure and shall be facing the street. Where a building faces one or more streets, the primary facade shall be oriented so that it faces the street that is designated with the street number and address of the structure. The primary facade of the structure shall not face an alley, easement or other right-of-way other than a public street.

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 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. 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 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 shall only 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.
5. *Subject matter.* Murals 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.
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.

7.22.05 Outdoor displays.

- 1.

ORDINANCE NO. 2024-2301

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SUBSECTION (c) OF SECTION 27-3 OF CHAPTER 27 OF THE CODE OF ORDINANCES, PERTAINING TO EXPENDITURE OF FUNDS IN THE PUBLIC ART FUND; PROVIDING FOR EXPENDITURE OF FUNDS ON PRIVATE PROPERTY WHEN APPROVED BY CITY COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City has an established public art fund providing for expenditures of funds to provide public art on public property;

WHEREAS, opportunities are available to allow for expenditure of public art funds on private property where the art is accessible to the public;

WHEREAS, the City Council wishes to expand the use of public art funds for art on private properties where the public maintains access thereto;

WHEREAS, the City Council has found that this ordinance provides a public purpose and enhances the City's public art fund; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION 1. Amendment. Subsection (c) Section 27-3 of Chapter 27 of the Code of Ordinances, pertaining to the expenditure of funds in the public art fund and providing as set forth hereafter, is hereby amended as follows (strikeout text is deleted and underlined text is added):

(c) Monies on deposit in the public art fund shall be budgeted and appropriated by city council solely to pay the cost of selection, commissioning, acquisition, installation, maintenance, administration and insurance of works of art installed in public places, and such other places generally available to the public and approved by the City Council upon the execution of an appropriate agreement with the private property owner. Monies derived from a municipal building project may be utilized for the installation of works of art on the project site or on such other city owned property as the city council may designate.

SECTION 2. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

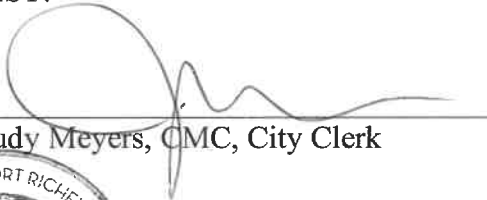
SECTION 3. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 4th day of June, 2024, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 18th day of June, 2024.

ATTEST:

By: 
Judy Meyers, CMC, City Clerk

By: 
Alfred C. Davis, Mayor-Council Member



APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE
AND RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA:



Timothy P. Driscoll, City Attorney CA Approval 5-23-24