



MEMORANDUM

To: Mayor and City Council

From: Mindi Hurley, Director of Community Development

Date: January 8, 2019

Reference: Draft Ordinance Amending the Historic District Signage Requirements allowing for Murals

2030: Sense of Community

Executive Summary:

Sarah Carrick, owner of Jacaranda Gift Shop, asked to install a fence on the north side of her property with a mural painted on it. Staff researched and found that murals are not addressed in the Code; therefore, we could not permit it. We discussed the topic at the August 2018 Council Worksession. The direction given by City Council was to draft regulations to allow murals on commercial sites in the Old Town Historic District.

Staff researched surrounding cities' ordinances and policies as they relate to murals. We consulted with the City Attorney regarding how to responsibly allow for murals and the legal implications involved. Attached is a summary of case law used as a basis in drafting the proposed regulations. The cases relate to content neutral regulations, commercial speech and review procedures.

Draft Ordinance Summary:

1. Only one mural will be allowed per commercial site within the Historic District.
2. Maximum 50% of the façade may be covered.
3. No advertising of products or services is allowed.
4. They shall be maintained in good condition (i.e. no peeling or faded paint).
5. Approval from Director of Community Development is required.
6. If not approved, then an appeal to Planning and Zoning Commission is available.

Legal Review: We have consulted with the attorney throughout the research and drafting of the ordinance.

Recommendation: Recommend redrafting of the ordinance incorporating necessary changes as a result of the workshop session and bringing back the final ordinance on February 12, 2019 for adoption.

Attachments:

1. Summary of Surrounding Cities' Regulations
2. Summary of Case Law
3. Draft Ordinance