

**TITLE 10  
CHAPTER 26**

**MURAL REGULATIONS**

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**10-26-1: PURPOSE, GENERAL PROVISIONS:** The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

**10-26-2: DEFINITIONS:**

ALTERATION	Any change to a permitted mural, including but not limited to any change to the image(s), materials, colors or size of the mural. "Alteration" does not include maintenance or repair of a permitted mural.
COMMUNITY DEVELOPMENT DIRECTOR	The Florence Community Development Director or his or her designee. For the ease of reference in this section, the Community Development Director shall be referred to by the term "Director."
MURAL	A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.
PERMITTED MURAL	A mural for which a permit has been issued by the City of Florence pursuant to this chapter.

**10-26-3: PROHIBITED MURALS:**

- A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:
1. Electrical or mechanical components; or
  2. Changing images.

**10-26-4: PROHIBITED MURALS:**

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

**10-26-5: MURAL PERMIT APPLICATION:**

- A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."
- B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:
  - 1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.
  - 2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.
  - 3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.
  - 4. A color image of the proposed mural with dimensions drawn to scale.
  - 5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.
  - 6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).

**10-26-6: MURAL PERMIT CRITERIA:** No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

- A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

  - 1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.
  - 2. The mural may reflect the diversity of the world.
  - 3. The mural may reflect historic, cultural, or natural heritage.
  - 4. The mural respects the original character of the building and surrounding buildings

- B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

1. The mural will not adversely dominate the building or surrounding area.
  2. The mural will not create traffic or safety hazards.
  3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.
- C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.
  - D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6") from the plane of the wall, unless approved by the City Council.
  - E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.
  - F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.
  - G. The creator/artist is under contract or other obligation to complete the Mural.
  - H. The Mural is an original work of art
  - I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

**10-26-7: STRUCTURAL REVIEW:** Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

**10-26-8: SUSPENSION OR REVOCATION:**

- A. The Director may suspend or revoke a permit issued under the provisions of Title 10. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked upon a finding that:
  1. The permit issued on the basis of incorrect information supplied by the applicant; or
  2. The permit is issued in violation of any provisions of Title 10.

**10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:**

- A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

- B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.
- C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

**10-26-10: MAINTENANCE OF A PERMITTED MURAL:** For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

**10-26-11: ALTERATIONS TO A PERMITTED MURAL:** Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

**10-26-12: REMOVAL OF A PERMITTED MURAL:**

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

**10-26-13: ENFORCEMENT:**

- A. Violations: It is unlawful to violate any provisions of this Chapter. This applies to any person undertaking an application for a Mural Permit, to the building tenant or owner of the Mural site. For the ease of reference in this section, all of these persons are referred by the term "operator".

- B. Notice of violations: The Community Development Director must give written notice of any violation of the City Code to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Responsibility for enforcement: The regulations of this Chapter may be enforced by the Director pursuant to Florence City Code 10-1-1-8.

**10-26-14: APPEALS:** Under this Chapter, any quasi-judicial decision of the City Council may be appealed to the Land Use Board of Appeals in accordance with state law.

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Amended by Ordinance 6, Series 1999 effective 4-19-99  
Amended by Ordinance 17, Series 1999 effective 1-7-2000  
Amended by Ordinance, Series 2000 effective 7-21-2000  
Amended by Ordinance 16 Series 2009 effective 10-12-2009  
Section 10-26-6 Amended by Ord. No. 9, Series 2009  
Sections 10-26-3-1, 10-26-32, 10-26-4, 10-26-5, 10-26-6, 10-26-7, 10-7-8 and 10-26-9 Deleted, and  
Sections 10-26-1, 10-26-2, 10-26-3, and Title Amended by Ord. No. 4, Series 2011 effective April 22,  
2011  
Sections 10-26-1, 10-26-2, and 10-26-3 Amended, and Sections 10-26-4 through 10-26-14 Added by  
Ord. No. 5, Series 2011 effective April 22, 2011