

PUBLIC NOTICE

**City of Lockhart
Historical Preservation Commission
5:30 p.m. Wednesday, August 17, 2022
Municipal Building – Glosserman Room
308 West San Antonio Street**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the minutes of the July 6, 2022 meeting.
4. Presentation and discussion regarding potential mural regulation standards and guidelines.
5. Continue discussion on the potential development of City-designated Historic Landmark placards for placement on identified Historic Landmark structures.
6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
7. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 1:00 p.m. on the 10th day of August, 2022.

City of Lockhart
Historical Preservation Commission
July 06, 2022

MINUTES

Members Present: Christine Ohlendorf, Ronda Reagan, Michel Royal, Ray Ramsey

Members Absent: Ron Faulstich, John Lairsen

Staff Present: Yvette Aguado, Kevin Waller

Public Present: Allison Geneser (Applicant, Agenda Item 4), Sally Daniel

1. Call meeting to order. Chair Reagan called the meeting to order at 5:31 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the minutes of the June 1, 2022, Meeting.

Commissioner Ramsey moved to approve the minutes as presented. Commissioner Royal seconded, and the motion passed by a vote of 4-0.

4. CFA-22-13. Consider a request by Allison Geneser and Erika Jane Kottwitz for approval of a Certificate for Alteration for a wall mural on parts of Lots 4 and 5, Block 23, Original Town of Lockhart, zoned CCB (Commercial Central Business District) and located at 115 North Commerce Street, Suite 100.

Planning Staff Kevin Waller reported that the applicant proposes a mural to be painted on the south wall of the Stampworthy Goods business establishment, which faces an alley along the south side of the building. The mural will be located at the southeast corner of the building on a previously painted wall, and will be visible to pedestrian and vehicular traffic along North Commerce and East San Antonio Streets. Measuring 10 feet wide by 16 feet tall, or 160 square feet, the mural will be in stylized lettering, as depicted in the illustrations provided with the agenda packet. Mr. Waller utilized a PowerPoint presentation, answered Commissioners' questions, and stated that Staff recommends approval.

Applicant Allison Geneser, 708 W. Prairie Lea St., came forward and shared her thoughts on the proposal, and answered Commissioners' questions.

Sally Daniel, 113 E. San Antonio St., Chair for the Keep Lockhart Beautiful Board and Lockhart Downtown Business Association, came forward to share those organizations' support for the project, and responded to questions and discussion with the Commission.

Discussion ensued amongst Commissioners regarding whether the mural should be approved, or if review guidelines should first be established and the mural considered at a future meeting.

Commissioner Ohlendorf moved to table CFA-22-13 until mural review guidelines are established. Commissioner Ramsey seconded, and the motion passed by a vote of 4-0.

5. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.

Mr. Waller stated that since no applications had been submitted by the deadline for the July 20 meeting, the next regularly scheduled meeting would be held August 3, 2022.

6. Adjournment.

Chair Reagan moved to adjourn the meeting, and Commissioner Royal seconded. The motion passed by a vote of 4-0, and the meeting adjourned at 6:01 p.m.

Approved: _____
(date)

Yvette Aguado, Recording Secretary

Ronda Reagan, Chair

TO: Historical Preservation Commission

FROM: David Fowler, Senior Planner

SUBJECT: Potential ordinance language regulating murals in the Historical District

DATE: August 10, 2022

At the Historical Preservation Commission meeting held July 6, 2022, an application for a Certificate of Alteration for a mural at 115 North Commerce Street was tabled due to a perceived need for guidelines for murals in the historical district.

Since the July 6 meeting, City Attorney Monte Akers gave a presentation regarding the legal environment facing the regulation of murals at the City Council meeting held July 19. Mr. Akers mostly covered the limits of city mural regulation, but did not offer suggestions regarding specific ordinance language. Council directed city staff and LHPC to develop mural guidelines.

Several members of the Commission provided testimony at the Council meeting or have spoken with staff since the July 6th HPC meeting. Some of the issues mentioned regarding murals have included:

- The desire for murals to represent to culture and history of Lockhart in an accurate manner
- Restriction of commercial messages on murals.
- Need for requirements to maintain murals once approved.
- Appropriate sizes and locations, and issues of visibility in reviewing murals
- The possibility of referring proposed murals to local artists for review.
- Protection of historic painted advertisements of buildings, often referred to as "ghost signs."
- Whether murals should only be regulated within the historic district.

City Planning staff has been researching the city regulation of murals in Texas and other states. The intent of this agenda item is to provide examples of mural ordinance practices in other cities, discuss the main issues the Historical Commission believes Lockhart faces in regulating the appearance of the Historical District, and get feedback from the Commission regarding the types and levels of regulation that would be appropriate for Lockhart. Staff has provided ordinances from three cities that look like they could have potential to provide language that Lockhart could possibly incorporate into a possible ordinance. Staff will give a presentation discussing the feedback we have received and issues we have identified to date. Based on the discussion that follows the presentation, staff will draft mural ordinance language for consideration at a future meeting.



RESOLUTION NO 264-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS, ADOPTING RICHMOND HISTORIC DISTRICT MURAL GUIDELINES FOR INCLUSION IN THE HISTORIC DISTRICT DESIGN GUIDELINES

WHEREAS, the City of Richmond by Ordinance No. 99-22, amended by Ordinance No. 2012-06, and repealed and replaced by Ordinance No. 2013-12 established rules and regulations for the Richmond Historic District; and

WHEREAS, in February 2001, the Design Guidelines for the Historic District were adopted; and

WHEREAS, the Richmond Historical Commission was created to perform oversight functions related to the Richmond Historic District, including making recommendations for revisions and additions to the Design Guidelines; and

WHEREAS, on June 19, 2018 and February 19, 2019 the Richmond Historical Commission reviewed and recommended adoption of guidelines for murals in the Richmond Historic District; and

WHEREAS, the City Commission of the City of Richmond, Texas, finds it in the public interest to adopt guidelines for murals within the Richmond Historic District; Now, Therefore,

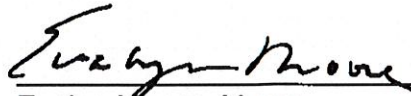
BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City Commission of the City of Richmond adopts the mural guidelines for the Richmond Historic District for inclusion in the Historic District Design Guidelines. The mural guidelines are attached as Exhibit "A."

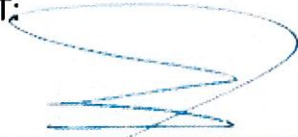
Section 3. Effective Date. This Resolution shall be effective from and after its adoption.

PASSED AND APPROVED on this the 25th day of March, 2019.



Evalyn Moore, Mayor

ATTEST:



Laura Scarlato, City Secretary

APPROVED AS TO FORM:



Gary W. Smith, City Attorney

Exhibit A



HISTORIC DISTRICT MURAL GUIDELINES

Definition

Mural is an original work of graphic, painting, or painted wall surface art that is visible and projects a graphic display or image that does not direct attention to an organization, a business operated for profit, a product, commodity, or service for sale or lease, or any other similar interest or activity. Mural shall not promote an off-premise product or event, or depict nudity or obscene images.

Mural Guidelines

Murals are allowed within the Historic Overlay District (also known as the Historic District) under the following guidelines:

1. Location.

- a. Murals are allowed on nonresidential buildings or structures.
- b. Murals are allowed on the flat planes of side and rear walls of a building or structure.
- c. Murals are allowed on front walls, provided that the size of the mural is limited to 20% of the total wall area.
- d. Murals are allowed on street side walls of buildings located on a corner lot.
- e. Murals are not recommended on a structure that is adjacent to or directly across a right-of-way from a residential structure or residentially zoned property.
- f. A mural shall not project higher than the second story of any building.
- g. Application of murals on or in a manner to obscure architectural features such as windows, doors, pilasters, cornices, window and door trim, other building trim, feature bands, and other recessed or projecting features is not recommended.

2. Design.

- a. The mural is an original design work; it is the applicant's responsibility to ensure that a mural does not result in copyright infringement.
- b. Mural design shall not depict nudity, obscene images, or obscene graphical representation at any stage of its installation.
- c. Mural design shall not promote an off-premise product or event.
- d. Only one mural is allowed per wall.

- e. Sponsor and artist names may be incorporated in the mural provided that the total area dedicated for such names does not exceed five percent of the design or two square feet in area, whichever is less.
- f. Historically significant murals may not be painted over; even if the mural is faded.

3. *Materials.*

- a. Brick. When painting on brick, the use of silicate dye paints is encouraged because of its breathability and low resistance to water vapor diffusion. Elastomeric paints such as Latex, acrylic, and oil base paints are not recommended.
- b. Non-Brick Wall Surfaces. Paint of superior quality intended for exterior use and which will not corrode or compromise the integrity of the material to which it is applied is recommended when painting on non-brick surfaces.
- c. Vinyl or Fabric Material.
 - i. Direct to Wall. A mural may be printed on a breathable mesh vinyl or fabric designed for exterior applications with an outdoor clear coat and applied directly to the wall. Such materials must be removable without damage to the walls at the end of their term.
 - ii. Seamless Frame. A mural may be printed on vinyl, breathable mesh vinyl, or fabric material designed for exterior applications with an outdoor clear coat and applied to a seamless frame. When the frame is affixed to a historic building it must never be applied in a manner that would cause physical damage or loss of historic integrity. The mural may be internally illuminated if installed in this manner.
- d. Medium Density Overlay (MDO). Murals may be painted on medium density overlay boards and affixed to buildings. When a mural is affixed to a historic building it must never be applied in a manner that would cause physical damage or loss of historic integrity.
- e. Paint Selection. Use of same brand of primer, paint, coating, or adhesives is recommended for exterior wall, to achieve longevity of the mural.

4. *Maintenance.* Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction. If a historic structure is vandalized, treatment to remove the vandalism should use all relevant Preservation Briefs as published by the National Park Services Technical Preservation Services.

5. *Color.* Do not use reflective, neon, and fluorescent paints.

Application Process and Requirements

All proposed murals are approved by a Certificate of Appropriateness. The Historic Preservation Officer will review each application and provide a report and recommendation to the Richmond Historical Commission. The Richmond Historical Commission will hold a public hearing on each Certificate of Appropriateness application for a mural and will forward its report and recommendation to the City

Commission to be considered by the City Commission. The final decision on the Certificate of Appropriateness application for a mural will be made by City Commission. The Historic Preservation Officer will be responsible for publishing notice for the aforementioned public hearing on the City's website and the official newspaper of the City of Richmond not less than 10 days before the public hearing.

An application for a Certificate of Appropriateness must be filed with the Historic Preservation Officer to be reviewed for compliance with the requirements of the Richmond Historic District Design Guidelines. Please provide the following items along with a complete application with signatures:

- Building elevation drawn to scale, and one 8.5" x 11" reduced suitable for photocopying, that identifies:
 - The façade on which the mural is proposed;
 - The location of any existing and proposed murals;
 - The mural dimensions;
 - A detailed illustration of the proposed mural;
 - The height of the mural above grade; and
 - The building eave/cornice and roof line.

- Site plan drawn to scale and one 8.5" x 11" reduced suitable for photocopying, that identifies:
 - The building location and façade on which the mural will be located;
 - The names of streets that abut the site (map showing location); and
 - The details showing how the mural is affixed to the wall surface.
- Provide a copy of all paint and coating selections with color index term as well as manufacturer's name for the color of paint.
- Signed approval from the building owner.

Inspections

1. *Schedule.* The Historic Preservation Officer will inspect murals twice a year, by April 30 and October 30 each year.
2. *Maintenance.* Murals must remain free of vegetation and surface dirt. The building owner is responsible for all maintenance including reapplying protective coats to the mural.
3. *Damage.* Photographing any damage to the mural before attempting to clean, removing graffiti or performing repairs is recommended.

Removal of Murals and Associated Materials

1. Any installed mural that deviates from the design approved by the City Commission may be removed at the building owner's expense.

2. The building owner should give notice of the removal of a mural at least 10 days prior to removal on a form provided by the City to the Historic Preservation Officer.
3. A mural must be removed in its entirety.
4. The removal of a mural must not damage the building in any manner. If removal of a mural causes damage to the building, repairs must be performed within a reasonable time not to exceed 30 days.
5. Any (all) associated materials that were used to affix or secure the mural to the wall must be removed at the time the mural is removed. This includes but is not limited to caulk and adhesives.

MURAL GUIDELINES

Design and Review Criteria for Murals

Definition: A mural is a painting, mosaic, fresco, or other permanent artwork attached or applied directly to the outside of a structure.

General Guidelines

These guidelines provide anyone who wants to install a mural with a reasonable process that safeguards both the interests of the community and those of the individual building/property owner. The guidelines are designed to assure that murals within the City of Brookings enhance the community's appearance, without confusing drivers and/or pedestrians or causing any other negative impact on public safety or welfare.

In reviewing proposals for public (outdoor) murals all of the following criteria will be considered:

Is the location appropriate?

Some locations may simply be inappropriate for murals, due to safety issues, potential maintenance problems, or complicated building geometry.

Too many murals?

To avoid the appearance of blight, the number of murals may have to be limited. If your neighborhood already has several murals, chances are, your mural proposal will not be approved.

How big is too big?

By their very nature, murals are large artworks. But, when murals become so large as to overwhelm the local streetscape and/or become a visual distraction, they are not likely to gain approval.

No logos or advertising, please!

Murals are considered public art, not billboards or signs. Murals containing logos, slogans, or advertising messages of any kind are considered signs and must comply with Chapter 17.88, Sign Regulations, Brookings Municipal Code (BMC).

Detailed mural guidelines and criteria

In addition to the general guidelines above, the Site Plan Committee or a Public Art Committee appointed by the City Council, will evaluate mural proposals based on the following:

Design and content

- Relevance of the piece to the building or city, its values, culture, and people — murals within the city of Brookings should be based on one or more of the following themes: natural beauty; history and/or Native American heritage; logging, fishing, local agriculture or other relevant themes.
- Suitability of the work for outdoor display, including its maintenance and conservation requirements.
- Relationship of the work to the site and the community, especially how it serves to activate or enhance public space.
- Appropriateness of the scale of the artwork.

Site selection

In order to ensure that public art is fairly and equitably distributed throughout the city, and that it is sited in such a way as to enhance and activate public spaces, sites where murals are to be displayed should:

- Experience high levels of pedestrian traffic and be part of the city's circulation paths.
- Be easily visible and accessible to the public.
- Serve to anchor and activate its site.
- Enhance the overall public environment and pedestrian streetscape experience.
- Help to create a place of congregation and activity.
- Establish landmarks and neighborhood gateways.

Placement

The following are guidelines for mural placement:

- Mural art should be publicly accessible 24 hours per day or during the normal hours of operation if in a park.

- It should not obscure windows or entranceways, nor disrupt normal pedestrian circulation unless that is the purpose of the artwork.
- It should not be placed in a given site if it disrupts the site's landscaping and maintenance requirements.
- It should not be so large as to overwhelm adjacent architecture or become a visual distraction.
- It should not detract from its surroundings nor create "blind" spots where illegal activity can take place.
- It should be located in a site where it will enhance and activate the pedestrian and the streetscape experience.

Construction and Maintenance

- 1) Murals shall be well designed and incorporate high-quality materials that enhance the overall appearance of the site and not adversely affect safe and efficient movement of vehicles and pedestrians. Materials may include paint or other media appropriate for exterior use, such as tile or mosaic. Materials shall be long-lasting and graffiti-resistant to the greatest extent possible.
- 2) Colors, though vibrant, should be complimentary and harmonious with the exterior colors of the building structure, as well as consistent with the chosen theme. Neon, fluorescent, or reflective-type colors or materials are discouraged.
- 3) The mural shall be designed and painted by a qualified artist/muralist, one with sufficient knowledge and experience with the application of mural materials.
- 4) Mural size shall be determined by the wall surface to be covered. Smaller walls may be completely covered. On large walls, murals should be large enough to dominate the wall surface, but not so large as to overwhelm the local streetscape. Generally, one mural will be permitted per structure.
- 5) As indicated above, no advertising, logos, or political messages will be allowed. The mural artist's signature may appear, provided that it is not so prominent as to detract from the mural display.
- 6) The proposed mural, by its design, construction, and location, shall not obscure or detract from the significant architectural features of the building structure; nor should the building's architecture be altered to accommodate the mural.
- 7) The proposed mural, by its design, construction, and location, shall not have an adverse impact on adjacent properties or permitted uses. If the mural requires special lighting or other related construction, all applicable permits will be required as part of installation.
- 8) *Routine maintenance of an artwork becomes the responsibility of the building owner where the artwork is located. As part of the contractual requirements, the artist should develop a maintenance program in cooperation with the building owner or manager for the proper long-term care of the artwork.*

If, for whatever reason, the mural falls into disrepair, the building owner will be notified in writing and required to make necessary repairs within 60 days. If the repairs are not made within the specified time, the city reserves the right to repair or remove the mural at the owner's expense. The process found in BMC 8.15.090, General Abatement Procedure, will be followed.

Application Review and Approval Process

An applicant desiring to install a mural on a building in Brookings is required to submit a formal application, a scaled color rendering of the proposed project, and a photograph showing the building location of the proposed mural.

Mural proposals that do not meet all of the design criteria/guidelines may be denied by the Site Plan Committee or the Public Art Committee, or accepted with required modifications. Applicants whose proposals are denied may appeal to the Brookings Planning Commission per Chapter 17.156, BMC.

Schedule

Mural installation must begin within 60 days of approval, and must be completed within six months of the start date. If these dates are not met the Site Plan Committee or the Public Art Committee, may at its discretion, cancel the mural permit. A one-time extension for an additional 60 days may be granted if the request is submitted in writing prior to the end of the initial 60-day period.

ORDINANCE NO. 4940

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS AND DELETIONS THEREBY UPDATING CERTAIN REGULATIONS ON SIGNS AND ADDING REGULATIONS FOR “MURALS” AND “GHOST SIGNS”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the installation of murals in Downtown Mesquite, and the city-wide existence and/or restoration of ghost signs (i.e., faded painted signs more than fifty years old) add long-lasting artistic value within the Mesquite community; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, the City shall have the power to provide for license, permit, and inspection fees, pursuant to Article III, [Section 28](#) of the Mesquite City Charter; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. MESQUITE CITY CODE AMENDMENT: Revising various sections in Chapter 13 of the Mesquite City Code. The Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, thereby updating certain regulations on signs and adding regulations for “murals” and “ghost signs.” Said exhibit is attached hereto and made a part hereof, and in all other respects said Code, Chapters, Divisions, and Sections shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

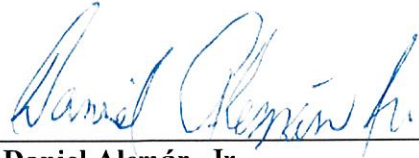
SECTION 4. Severability Clause. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, the Mesquite City Code, as hereby or previously amended, or the Mesquite Zoning Ordinance, as hereby or previously amended, which shall remain in full force and effect.

SECTION 5. Penalty Clause. Generally. Nothing in this ordinance prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by law. **Criminal.** Any violation of the provisions or terms of this ordinance by any “person,” (as defined in Mesquite City Code, Chapter 1, [Section 1-2](#)) shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed FIVE HUNDRED DOLLARS (\$500.00) for each offense, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended. **Civil.** The City may also file a civil action for enforcement of this ordinance. **Maximum penalties.** If the maximum penalties provided for by this ordinance for an offense or civil action is greater than the maximum penalty provided for the same offense or civil action under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense or civil action shall be the maximum penalty provided by the laws of the State of Texas.

SECTION 6. Publication. This ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 7. Effective Date. This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on this the **21st** day of **FEBRUARY 2022**.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 4940

MESQUITE CITY CODE, additions and deletions to CHAPTER 13 - SIGNS

MESQUITE CITY CODE

Chapter 13 – SIGNS

ARTICLE I. - IN GENERAL

Sec. 13-1. – Definitions.

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

* * *

Commercial message. Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

* * *

Downtown Mesquite Main Street Program Boundary Area is the geographic area of focus of the Mesquite Downtown Development/Main Street program. The City of Mesquite, Texas, is recognized as a designated Texas Main Street community by the Texas Historical Commission. The Downtown Mesquite Main Street Program Boundary Area is identified as a layer within the Downtown Mesquite online interactive map located on the City's website.

* * *

Ghost sign means a faded painted sign that is more than 50 years old that remains from an earlier time. Ghost signs provide evidence of the history of the use of the building, product, service, events, or activities of the community.

* * *

Mural means a sign comprised of a non-commercial message and may be any mosaic, painting, graphic art, or combination thereof displayed on an exterior structure, generally for the purpose of decoration or artistic expression. Sponsorship and dedication recognition incidental to the mural does not constitute a "commercial message".

* * *

Non-Commercial Message means a message that is not a commercial message.

~~**Noncommercial sign** means any sign other than a sign relating to a service or business, or the sale of merchandise, or other activity for private benefit or gain. Noncommercial signs are deemed to be on-premise signs and are permitted wherever signs are otherwise permitted in accordance with and strictly subject to the objective criteria set forth in this Chapter.~~

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Sec. 13-26. Required; fee.

[Editor's Note: Make the following revisions with additions identified in green font and underlined.]

(a) *Offenses.*

- (1) It shall be unlawful for any person who is not registered by the City as a sign contractor to secure sign permits as provided herein.
- (2) It shall be unlawful for any person to represent himself or herself as a registered and licensed sign electrician, or to use falsely the words "sign contractor," "master sign electrician," "journeyman sign electrician," either verbally or in writing, unless such person is, in fact, registered and holds a valid license within the meaning of the words used and as provided in this Article.

- (b) *Method of registration.* To register with the City as a sign contractor, application shall be made to the Building Official for a Sign Contractor Professional License along with a registration fee to cover administrative costs. The application shall be on a form provided by the City, and shall, at a minimum, show the contractor's name, local address, and telephone number; state license number and such other information as may be reasonably required to properly identify the contractor, along with a current government-issued identification and a current State of Texas issued Master Sign Electrician License.

(c) *Exceptions.*

- (1) **Ghost Signs.** Registration as a sign contractor is not required to secure a Sign Permit for ghost sign restoration. The person who restores a ghost sign shall obtain the Sign Permit.
- (2) **Murals.** Registration as a sign contractor is not required to secure a Sign Permit for a mural installation or restoration. The person who installs or restores a mural shall obtain the Sign Permit.

* * *

* * *

Sec. 13-49. Expiration.

[Editor's Note: Make the following revisions with additions identified in green font and underlined.]

- (a) Expiration. Except as otherwise provided in this section, a permit for a sign installation or restoration shall expire if the work is not started within sixty (60) days from issuance nor completed within one hundred twenty (120) days after the work is commenced.

- (b) Exceptions.
 - (1) Murals.
 - a. Expiration. A Sign Permit for a mural installation or restoration shall expire if the work is not started within sixty (60) days from issuance nor completed within sixty (60) days after the work is commenced.

 - b. Extension. A time extension for mural installation or restoration may be approved in writing by the Building Official or his/her designee. If granted, the permit for mural installation shall not expire until the date specified in the written approval.

- (c) New Sign Permit required. If a Sign Permit for installation or restoration expires, a new Sign Permit shall be required before beginning or completing the work.

* * *

* * *

Sec. 13-71. Removal of obsolete signs.

[Editor's Note: Make the following revisions with additions identified in green font and underlined.]

- (a) Removal of obsolete signs. Except as otherwise provided in this section, all signs relating to a product no longer available for purchase by the public and all signs relating to a business which has been closed for at least six (6) months or has moved away shall be termed obsolete. All advertising copy or sign faces shall be immediately replaced to advertise an available product, or a new business once the premises are reoccupied, and painted wall signs shall be immediately painted over with a color that resembles or matches the wall. If the owner of, person responsible for the sign or the tenant closing the business fails to replace or paint over the sign, the owner of the premises shall be responsible and the work shall be done within thirty (30) days following the date of obsolescence.
- (b) Exceptions.
- (1) Murals. This section does not apply to murals.
 - (2) Ghost signs. This section does not apply to ghost signs.

* * *

* * *

Sec. 13-72. Prohibited signs.

[Editor's Note: Make the following revisions with additions identified in green font and underlined.]

* * *

- (c) *Signs attached to standpipe or fire escape.* It shall be unlawful to attach any sign to a standpipe or fire escape. This subsection shall not apply to ghost signs or murals.

* * *

- (g) *Painting, marking streets, sidewalks, utility poles.* No person shall attach any sign, paper or other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence, or structure except as otherwise allowed by this Chapter. This subsection shall not apply to ghost signs or murals.

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Sec. 13-73. Specifications by type of sign.

[Editor's Note: Insert "Ghost signs" as new letter (j) and re-letter the remaining subsections accordingly. Make the following revisions with additions identified in green font and underlined.]

* * *

(j) Ghost signs.

- (1) Ghost signs are permitted to remain in situs city-wide.
- (2) No person shall restore a ghost sign without first having a valid Sign Permit for the restoration.
- (3) The restoration of a ghost sign must be in accordance with:
 - a. the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs, as amended or its successor; and
 - b. the restoration specifications as approved in the Sign Permit.
- (4) The City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs shall be available in the office of the Director, and on the City's web-site.
- (5) Ghost signs shall be considered separately from all other signage and not affect the size or number of other types of signs allowed on the property. However, in no case shall another sign be placed over a ghost sign unless approved by the Building Official as part of the Sign Permit for installation.
- (6) Approval process.
 - a. In general. See the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs for specific or additional information.
 - b. Application initiation and submission for preliminary review. A property owner, or authorized agent, shall submit an application for a ghost sign restoration preliminary review to the Planning and Development Services office.
 - c. Applications for preliminary review required to be complete. The Director or his/her designee will determine when the application for preliminary review is considered complete.

- d. Certificate of Appropriateness required (when applicable). If the property where the ghost sign is to be restored is a Mesquite Landmark or a property within a Historic Preservation Overlay District (H-POD), a Certificate of Appropriateness from the Mesquite Landmark Commission is also required prior to issuance of a Sign Permit for restoration by the Building Official.
- e. Advisory Board preliminary review and/or recommendations.
 - 1. Mesquite Arts Council. The Mesquite Arts Council may review the application and provide comments to the applicant focusing on the proposed artwork.
 - 2. Downtown Development Advisory Board. When the proposed ghost sign restoration is inside the Downtown Mesquite Main Street Program Boundary Area, the application shall be reviewed by the Mesquite Downtown Development Advisory Board. The Board will focus on providing a recommendation to the applicant and Building Official on the proposed ghost sign restoration methods. The recommendation may include approval, approval with conditions, or denial.
- f. Sign Permit for the restoration of a ghost sign.
 - 1. Upon the completion of the Advisory Board preliminary review (and review and approval by the Landmark Commission when applicable), the applicant may submit a Sign Permit application for the restoration of the ghost sign through the City's online application portal, and pay any applicable fees.
 - 2. When the proposed ghost sign restoration is inside the Downtown Mesquite Main Street Program Boundary Area, if the Building Official does not receive a recommendation from the Mesquite Downtown Development Advisory Board within sixty (60) days of the Director's receipt of a completed application, the Building Official is authorized and may proceed to issue the Sign Permit for restoration. The date the Director deemed the application for preliminary review to be complete shall be considered Day Zero (0).
 - 3. Once the Sign Permit is issued by the Building Official, the ghost sign may be restored in accordance with the approved Sign Permit.

Cross reference— City's on-line application portal—City of Mesquite Citizen Self Service.

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Sec. 13-73. Specifications by type of sign.

[Editor's Note: Insert "Murals" as new letter (p) and re-letter the remaining subsections accordingly. Make the following revisions with additions identified in green font and underlined.]

* * *

(p) Murals.

- (1) Murals shall be permitted within the Downtown Mesquite Main Street Program Boundary Area in all zoning districts, except on a property with single-family or duplex residences.
- (2) No person shall paint, install, erect, or restore a mural without first having a valid Sign Permit for the installation or restoration.
- (3) The design, size, location, placement, materials, installation, or restoration of a mural must be in accordance with:
 - a. the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs, as amended or its successor; and
 - b. the installation or restoration specifications as approved in the Sign Permit.
- (4) The City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs shall be available in the office of the Downtown Development Manager and on the City's web-site.
- (5) Murals shall be considered separately from all other signage and not affect the size or number of other types of signs allowed on the property. However, in no case shall another sign be placed over a mural unless approved by the Building Official as part of the Sign Permit for installation.
- (6) Approval process.
 - a. In general. See the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs for specific or additional information.
 - b. Application initiation and submission for preliminary review. A property owner, or authorized agent, shall submit an application for a proposed mural installation or restoration preliminary review to the Downtown Mesquite Development office.
 - c. Applications for preliminary review required to be complete. The Downtown Development Manager or his/her designee will determine when the application for the preliminary review is considered complete.

- d. Certificate of Appropriateness required (when applicable). If the property where the mural is to be installed or restored is a Mesquite Landmark or a property within a Historic Preservation Overlay District (H-POD), a Certificate of Appropriateness from the Mesquite Landmark Commission is also required prior to issuance of a Sign Permit for installation or restoration by the Building Official.
- e. Advisory Board preliminary review and/or recommendations.
 1. Mesquite Arts Council. The Mesquite Arts Council may review the application and provide comments to the applicant focusing on the proposed artwork.
 2. Downtown Development Advisory Board. The Mesquite Downtown Development Advisory Board will review the application and will focus on providing a recommendation to the applicant and Building Official on the proposed mural installation or restoration methods. The recommendation may include approval, approval with conditions, or denial.
- f. Sign Permit for the installation or restoration of a mural.
 1. Upon the completion of the Advisory Board preliminary review (and review and approval by the Landmark Commission when applicable), the applicant may submit a Sign Permit application for the installation or restoration of the mural through the City's online application portal, and pay any applicable fees.
 2. If the Building Official does not receive a recommendation from the Mesquite Downtown Development Advisory Board within sixty (60) days of the Downtown Development Manager or his/her designee receipt of a completed application, the Building Official is authorized and may proceed to issue the Sign Permit for restoration. The date the Downtown Development Manager deemed the application for preliminary review to be complete shall be considered Day Zero (0).
 3. Once the Sign Permit is issued by the Building Official, the mural may be installed or restored in accordance with the approved Sign Permit.

Cross reference— City's on-line application portal—City of Mesquite Citizen Self Service.

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(7) Maintenance responsibility and standards.

- a. At all times during and after the installation or restoration, the property owner where the mural is located shall be responsible for maintenance and upkeep of the mural.
- b. All murals shall be kept in a proper state of repair and preservation. If the Building Official or his/her designee determines a mural to be in dilapidated or deteriorated condition, the mural shall be restored or removed by the property owner.
- c. Upon the failure of the property owner to repair or remove the mural following thirty (30) days' notice thereof, the City may cause the removal of the mural. The property owner shall pay all expenses incurred by the City incident to such removal.
 - 1. In the event of the failure of the owner to remit to the City the expenses incurred in the removal of the mural, a lien may be placed on and against the property on which the mural is removed.
 - 2. To obtain a lien against the property, the Director, on behalf of the City Council, shall file a statement of expenses with the county clerk of the county in which the property is located setting out the actual expenses incurred by the City, the name of the property owner, if known, and a legal description of the property. The City's lien attaches when the statement of expenses is filed in the real property records of the county in which the property is located. The City's lien is subordinate to any previously recorded lien and to the rights of a purchaser or lender for value who acquires an interest in the property before the statement of expenses is filed.

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Sec. 13-75. Guidelines to sign use within zoning districts.

[Editor's Note: Make the following revisions with additions identified in green font and underlined]

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- (g) Downtown Mesquite Main Street Program Boundary Area. Murals are permitted within the Main Street Program Boundary Area in all zoning districts except as modified in [Sec. 13-73](#).

Cross reference— Specifications by type of sign, Sec. 13-73 (p) Murals.

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