

PUBLIC NOTICE

**City of Lockhart
Historical Preservation Commission
5:30 p.m. Wednesday, September 7, 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 August 17, 2022 meeting.
4. Continue discussion regarding potential mural regulation standards and guidelines, including review of draft mural ordinance language.
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 2:00 p.m. on the 1st day of September, 2022.

TO: Historical Preservation Commission

FROM: David Fowler, Senior Planner

SUBJECT: Draft ordinance language regulating murals in the Historical District

DATE: September 1, 2022

At the Historical Preservation Commission (HPC) 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.

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.

In response to the above two events, staff presented overviews of several notable efforts by other cities to regulate murals at the August 17th meeting. The HPC discussed what they would like to see in terms of future regulation of murals. Three of the attending members stated they would prefer to see no further murals in the downtown area. After discussion, the commissioners agreed to provide written feedback to staff as they draft proposed ordinance language to provide suitable regulation of murals within the Historical District.

In response to feedback received at the meeting and from individual Commissioners, staff has drafted mural ordinance provisions for possible referral to City Council. The attached draft ordinance has the following key elements:

- Establishes the mural review process and discretionary, allowing the Commission to deny approval of any application it deems inappropriate.
- Restricts the location of murals, excluding murals from being allowed on any previously unpainted wall on a historic structure, any property adjacent to or across the street from a residential property, or any wall visible from either the Caldwell County Courthouse grounds or the Dr. Eugene Clark Library.
- Specifies submission requirements, including dimensions, materials to be used, the approval of the building owner, and the background of the artist.
- Provides maintenance requirements and enforcement procedures.

If the proposed language is recommended for approval, either as written or with revisions, the next step would be to codify the language for review at a future City Council meeting. The Commission would also have the option of reviewing a revised mural ordinance prior to referring it to City Council.

Proposed Mural ordinance language

Intent

To provide guidelines and procedures for the applications for and review of proposed murals within the Lockhart Historical District in order to ensure orderly review of applications while preserving and protecting the historic character and unique identity of the City's downtown area.

Definitions

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, a commodity, or service for sale or lease, or any other similar image or activity.

Ghost Sign: is a faded painted sign that is more than 50 years old that remains from an earlier owner or building use. Ghost signs provide evidence of the history of the use of the building, a product, service, event or activity in the community.

Mural Guidelines

Application process

All proposed mural designs within the Lockhart Historical District must be submitted as part of a Certificate for Alteration application to the Historic Preservation Officer for review by the Lockhart Historical Preservation Commission at one of the Commission's regular meetings. At the meeting The Historical Preservation Commission will review the proposed mural for overall appropriateness and compatibility with the district. The Commission will also consider the potential impact of the proposed mural on neighboring property owners' enjoyment of their properties. This review process is discretionary. As such, applications meeting all other guidelines will not be granted a Certificate of Alteration if the Commission finds the proposed design unsuitable for the Historical District.

The following materials must be provided with each application for a Certificate of Alteration for a Mural:

1. Signed approval of the building owner.
2. Legal Description of property
3. Color photograph of existing building façade
4. Artist biography, reproductions of past works and professional qualifications to undertake art in a public context.
5. Map showing locations of existing or proposed murals on nearby buildings.
6. Building elevation drawn to scale that identifies the following:
 - a) Façade on which the mural is proposed.
 - b) Location of proposed mural on the façade.
 - c) Mural dimensions.
 - d) Detailed color rendering of the proposed mural.

- e) Height of top and bottom of the mural above grade.
- f) Technical details of media used, including paint and color types, non-paint materials used, if any, and materials used to affix the mural to the building, if any.

Any approved mural for which installation has not commenced within 60 days of approval will be found to have its Certificate of Alteration expired and a new application will be required.

Design guidelines

1. Murals are expected to be an original expression of the artist, no copyrighted material, brand names, logos, or prior works by other artists may be incorporated into murals submitted for approval.
2. Text or messages of any kind as part of a mural design is strongly discouraged
3. Art or murals may not be designed to evoke the products offered or sold in the building on which the mural is located.
4. Proposed mural designs should represent or evoke the history and culture of Lockhart and Caldwell County and be designed with an intent towards clearly enhancing the character and appearance of the Historical Preservation District.
5. Murals shall not promote any off-premise product or event, or depict nudity, violence, or obscene images.
6. Nothing that could be considered a potential distraction or potential source of disruption of safe traffic flow will be allowed as part of a mural design.
7. Historically significant signs or murals, also known as "ghost signs," may not be painted over, and may only be rehabilitated upon issuance of a Certificate of Alteration from the Historical Preservation Commission.

Location

1. Murals are allowed on nonresidential or mixed-use buildings or structures.
2. Murals are only allowed on walls of buildings visible from public streets or alleys (Alternate language: street-facing only).
3. Murals on front walls of buildings are limited to 20 percent of that wall's area.
4. Murals are not permitted on walls adjacent to or across a right-of-way from a residential lot, walls that are visible from the Caldwell County Courthouse grounds, or walls that are visible from the grounds of the Dr. Eugene Clark Library.
5. Only one mural is allowed per building.
6. A mural shall not extend higher than the second story of any building.
7. Murals may not cover any architectural features including, but not limited to arches, cornices, window and door trim, feature bands, and any other recessed or projecting features.
8. Murals are not permitted on any historic building wall that has not been previously painted. (Alternate language: any brick or stone wall that has not been previously painted.)

Materials

1. When painting on brick, silicate dye paints are recommended. The use of latex, acrylic and oil-based paints are discouraged. For non-brick surfaces, paints intended for exterior use shall be used.

Maintenance

1. 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 damage or destruction. If a historic structure is vandalized, treatment to remove the vandalism should use all relevant National Park Service guidelines.

Removal

1. Any mural that deviates from the design approved by the Historical Preservation Commission shall be removed at the building owner's expense.
2. The building owner shall give notice to the Historic Preservation Officer 14 days in advance of any proposed removal of an existing mural.
3. As part of a proposed mural removal, the mural must be removed in its entirety, including any and all materials used to secure the material to the building.

Enforcement

1. If an approved or existing mural is found to have become worn or been damaged, the Historic Preservation Officer or Code Enforcement Officer may take action, including requiring repair or removal. Fines may be imposed for noncompliance.