

Ordinance No. 23-058

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 7, Sign Standards; Article 10, Review Procedures; and Article 12, Definitions; related to the use and location of "Wall Murals"; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; governmental immunity; injunctions; publication and an effective date

WHEREAS, City Council desires to set forth clear and consistent procedures and standards for Wall Murals; and

WHEREAS, City Council seeks to provide opportunities within the city to contribute to livable, aesthetically pleasing, and pedestrian friendly streetscapes in accordance with the goals and objectives of the Comprehensive Plan; and

WHEREAS, after notice and public hearing on the 16th day of August, 2023, the Planning and Zoning Commission heard and recommended amendment to the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, as amended; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals and general welfare of the citizens that the amendments relative to the "Unified Development Code" Chapter be approved; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Unified Development Code"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article 7, Sign Standards, Section 7.8.4., Wall Signs, Subsection K.6.**, so that said subsection shall be and read as follows:

6. Wall murals may be allowed in the Downtown Business (DB) zoning district, Entertainment District Overlay (EDO) district, Downtown

Neighborhood Overlay (DNO), and the International Corridor (TIRZ 7) area, subject to the conditions set forth in Section 7.8.17.

Further, that **Section 7.8.17., Painted Wall Murals**, is hereby amended by the amendment of the section title, and the amendment of the section to read as follows:

7.8.17 WALL MURALS

- A. Wall murals are permitted subject to conditions.
 - 1. Wall murals are only allowed on non-residential structures in the following locations:
 - a. Downtown Business (DB) zoning district
 - b. Downtown Neighborhood Overlay (DNO) district
 - c. Entertainment District Overlay (EDO) district
 - d. International Corridor (TIRZ 7) area
 - 2. According to the procedures set forth in Section 10.4.9., the Landmark Preservation Commission shall review any wall mural placed on a structure located within a Landmark Preservation Overlay or a structure included in the Arlington Historic Resources Survey.
 - 3. Wall murals shall not face a single-family residential neighborhood unless separated by a major thoroughfare.
 - 4. Only one wall mural per building is allowed. The wall mural may cover one entire wall and continue to wrap around the corner to a “logical edge” of a secondary wall, covering no more than 50 percent of that secondary wall area.
 - 5. Wall murals shall not exceed a height of 40 feet above grade and shall not be placed over openings such as windows, doors, and vents.
 - 6. Lighting of a wall mural shall be external.
- B. Special Conditions.
 - 1. Wall murals shall be created with a weather-resistant paint or other durable material.

2. No portion of the wall mural shall be used to advertise a specific product or service. The wall mural may display the name or logo of the on-site tenant, as long as it does not exceed more than 20 percent of the wall mural area. (This portion of the wall mural will need a Sign Permit.)
3. For multi-tenant buildings, wall murals shall contain no on-site premise building messaging or advertisement for more than one (1) tenant.
4. Should the wall mural become faded, peeled, and severely weathered in the opinion of the Zoning Administrator, the owner, or the person or firm maintaining the same, shall, upon written notice, repair, remove, or reinstall the wall mural in the same manner within 60 days.
5. Wall murals shall contain no obscene language, material, or imagery.
6. A wall mural must be permitted with the city pursuant to this article prior to installation. An application for wall mural installation shall be submitted by a building owner, tenant, or artist, which shall contain the following information:
 - a. Name and address of building.
 - b. Contact information of building owner.
 - c. Written consent of building owner.
 - d. Contact information of artist.
 - e. Site plan, indicating the proposed wall mural on a specific building.
 - f. Scale drawing and dimension of wall mural.
 - g. Photos of wall on which the wall mural will be placed.
 - h. Maintenance schedule.
7. For any wall mural not meeting the standards set forth in this Article, City Council approval must be obtained under an Alternate Sign Plan.

8. As of June 13, 2023, any existing wall mural not meeting the conditions set forth in this Article will be considered a legal non-conforming wall mural. Any future alterations or maintenance-related changes to these legal non-conforming wall murals will require an Alternate Sign Plan.

Further, that **Article 10, Review Procedures, Section 10.4.23., Alternate Sign Plan, Section A., Purpose and Applicability**, is hereby amended to read as follows:

A. Purpose and Applicability

1. The purpose of an alternate sign plan is to allow properties to deviate from the sign and wall mural standards if a qualifying property has an alternate plan that is clearly superior to what could be accomplished under the general standards.
2. An alternative sign plan applies only to property that has 500 feet or more continuous frontage on a freeway or arterial street. Wall murals, as defined in this code, may be approved through an alternative sign plan and are not subject to this requirement.
3. The alternate sign plan shall not be used to authorize a sign type or wall mural specifically prohibited in Section 7.4., Prohibited Signs, and Section 7.8.17.B.5., respectively.

Further, that **Article 12, Definitions, Section 12.6.1 Signs**, is hereby amended through the addition of a definition for “Wall Murals”, and shall read as follows:

Wall Murals

Artwork, authorized by the property owner, comprised of a non-commercial message or visual depiction, including painted, mosaic, sculptural, and/or digitally printed elements, that is applied, painted, or affixed to an exterior wall of a building for the purpose of decoration or artistic expression.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

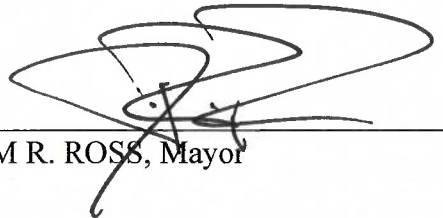
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on the 1st day of November, 2023.

PRESENTED AND GIVEN FIRST READING on the 5th day of September, 2023, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 26th day of September, 2023, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


JIM R. ROSS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
MOLLY SHORTALL, City Attorney

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