

Item H-9

PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight – Zoning Districts, and Article Nine – Development Standards, relating to regulations for murals; providing penalties; authorizing publication; and establishing an effective date. (UDC-23-0006)

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Background

On June 16, 2020, City Council approved the following UDC updates related to murals:

- Allowed by City Council approval in Katy Road, Old Town Keller, and Retail Zoning Districts.
- Replaced Public Arts Board as the recommending body to Council with Planning and Zoning Commission (for murals on private property).
- Included new requirement for a waiver of rights from the artist pertaining to the Visual Artist's Rights Act of 1990.
- Updated definition to clarify that murals must be on a wall.

On June 20, 2023, City Council held a work session discussion on where murals are allowed and in which zoning districts. Council gave direction to add Town Center to the zoning districts in which applicants can pursue a private mural.

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Summary of Proposed Amendments

1. Add Town Center to the zoning districts in which applicants may pursue approval of a mural.

8. Murals

a. Private murals are permitted in the Katy Road, Retail, OTK and Town Center Zoning Districts with approval from City Council following a recommendation by the Planning and Zoning Commission. Where permitted, the following applies:

- 1) Shall not include any owner identification or commercial text message; however, it may contain graphics or images that relates to the products or services offered on the premises where the mural is located.
- 2) Murals or art representation displaying any owner identification or commercial text message will be considered as a "flat/wall sign".
- 3) Shall not depict nudity or obscene images and be generally acceptable for viewing by all audiences.
- 4) Materials utilized in painting a mural shall have proven durability and shall be maintained or removed if not maintained.

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Planning and Zoning Commission Recommendation:

At the Aug. 8, 2023, Planning and Zoning Commission meeting, Commissioners unanimously recommended approval of the UDC Amendments as presented with the recommendation that Murals be separated out of the Attached Signs Additional Types table in the UDC sign regulations.

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An amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper ten (10) days prior to the scheduled Planning and Zoning Commission meeting date and fifteen (15) days prior to the City Council Meeting Date. Notices were published in the July 28, 2023 and July 20, 2023 editions of the *Fort Worth Star-Telegram* for the respective Planning and Zoning Commission and City Council public hearings. Staff has not received any comments from the public on the proposed UDC Amendments.

Staff has not received any comments from the public regarding the proposed UDC amendments.

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The City Council has the following options when considering a Unified Development Code Amendment:

- Approve as submitted
- Approve with modifications or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



Questions?
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