


## Item H-3

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 providing provisions to permit murals on private property/businesses and modifying, Article Three – Definitions and Article 8 - Zoning Districts, Development Standards, Tree Preservation; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. (UDC-20-0002)

## Mural by Definition

A mural is any piece of artwork painted or applied directly onto a wall, ceiling or other permanent surface expressed in a form and manner as to provide aesthetic enjoyment for the viewer. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture. A private mural is a design etched, painted, or drawn directly onto a privately owned structure (i.e. the side of a building).

For Keller's purposes, and to avoid First Amendment issues, private murals shall not contain text.

Location	Name	Public/Private	Funding	Image	Approval
159 S. Main St	Dr. Pepper Logo	Public -Historic Relic on Private in an Easement	Façade Improvement Grant		Keller Economic Development Board, City Council
164 S. Main St	TBD	Public – Revitalization on Private in an Easement	Public Art fund		Keller Public Arts Board, City Council
163 S. Main St	Longhorn skull	Private – Nikko Blu	Private		Keller Public Arts Board, City Council
128 Keller Pkwy	Peace, Love, Respect	Private – Artful Mayhem	Private		Planning & Zoning Commission, City Council
Various	Animal Art	Anonymous unapproved on Public	Private		None
962 Keller Pkwy	Preparing for Coffee Beans	Private - Starbucks	Private		Planning & Zoning Commission, City Council

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## Murals in Area Cities

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# Current UDC

Section 3.01 Definitions, 413.Signs. j. Murals - A painting or other work of art executed directly on a wall.

Section 8.03.R OTK – Old Town Keller District. 5.e.11) Wall murals shall be considered on a case-by-case basis and approved by the City Council as an element of a site plan application.

Section 8.03.S KR – Katy Road District. 5.f.1.d.) Wall murals shall be considered on a case-by-case basis and approved by the City Council as an element of a site plan application.

Section 8.09.D Sign Regulations. 6. Table 3) Wall murals -There are no set standards for murals. All proposed murals must be approved by City Council after recommendation from the Public Arts Board.

# Proposed UDC

## Definitions:

Modify 413.Signs. j. **Mural:** See Mural

Insert (and adjust numbering) 285: A mural is any piece of artwork painted or applied directly on a wall, ceiling or other permanent surface expressed in a form and manner as to provide aesthetic enjoyment for the viewer. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture and it shall not contain text.

Insert as a subset to 285. *Mural. a.: Private Mural* – An approved mural on a private structure provided with private funding and visible from publicly accessible space such as streets, sidewalks, trails, parking lots, and similar viewing points.

Insert as a subset to 285. *Mural. b.: Public Mural* – An approved mural on a public structure or on a private structure within a public purpose agreement provided with public funding and visible from publicly accessible space such as streets, sidewalks, trails, parking lots, and similar viewing points.

# Proposed UDC

## Section 8.03.R

### OTK – Old Town Keller District:

Modify 5.e.11) Murals shall be considered on a case-by-case basis. Public murals shall be considered by the Public Arts Board for recommendation to and approved by the City Council. The private mural approval process includes a recommendation from the Planning and Zoning Commission to the City Council based on the following criteria:

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

# Proposed UDC

## Section 8.03.S

### KR – Katy Road District:

Modify 5.f.1.d.) Murals shall be considered on a case-by-case basis. Public murals shall be considered by the Public Arts Board for recommendation to and approved by the City Council. The private mural approval process includes a recommendation from the Planning and Zoning Commission to the City Council based on the following criteria:

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



# Proposed UDC

## Section 8.09.D

### Sign Regulations:

Modify 6. Table 3) Wall murals: Where permitted, the following applies:

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

# Unpermitted Mural

- No Permit obtained;
- IF adopted as presented:
  1. application needed;
  2. P&Z consideration and decision by the Council;
  3. the text would need to be removed.
- IF modified and adopted:
  1. application needed;
  2. P&Z consideration and decision by the Council
  3. The mural would be modified as indicated by this UDC amendment.
- IF denied:
  1. Mural removed;
  2. There is no clear process to move forward for Council consideration.





**Questions?**  
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