

ORDINANCE 4356

TO AMEND HARTSVILLE CITY CODE APPENDIX A. – ZONING, ARTICLE VII. SIGNS AND ADVERTISING DEVICES, SECTION 13 TO ALLOW MURALS.

WHEREAS, murals encourage local artists to create sanctioned public art, increase the public’s access to art, and beautify the community; and,

WHEREAS, the City of Hartsville would like to promote its history and culture through the display of public art, including Murals; and,

WHEREAS, the Architectural Review Board reviewed the mural ordinance during its October 17, 2018 meeting and made a recommendation to the Planning Commission to approve; and,

WHEREAS, the Planning Commission reviewed the Mural Ordinance during its October 26, 2018 meeting and made a recommendation to City Council to adopt the ordinance.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Hartsville that the City of Hartsville City Code is hereby amended to read as follows:

**Appendix A. – Zoning
Article VII. Signs and Advertising Devices
Section 13. Murals**

Sec. 13 - Murals

(A) Goal

The City of Hartsville would like to promote its history and culture through the display of public art, including Murals.

(B) Definitions

Graffiti. Any unsanctioned material posted/painted on public or private property.

Mural. An image, such as a painting or enlarged photograph, applied directly to an external surface of a building or building attachment, that is a one-of-a-kind, hand-painted, printed or hand-tiled two-dimensional image that does not contain any commercial message and does not project more than four (4) inches from the surface of the building or building attachment.

Commercial Message. Any message that advertises a business conducted, services rendered, or goods produced or sold. Any proposed mural that contains a commercial message would follow the sign ordinance.

Property. Any public or private property, which is observable from the public right of way or from a public space.

(C) Regulations

- (1) Murals are allowed with a mural permit. Graffiti is not allowed.
- (2) Murals are purely artistic forms of expression. While basic content is free from evaluation, obscenity shall not be allowed.

(3) No person shall apply a Mural on the exterior of any building or building attachment or change any existing Mural a building or building attachment prior to the issuance of a mural permit. The following design criteria shall apply to any Mural commissioned.

(a) The proposed Mural shall be well integrated with the building and neighboring structures and is harmonious with the surrounding environment. The proposed Mural, by its design, scale, construction and location, shall not have a substantial adverse effect on abutting property or the permitted use, and will contribute to Hartsville's character and quality of life.

(b) The proposed Mural shall exhibit exceptional design quality that enhances the overall development and appearance of Hartsville. The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.

(c) No Mural may consist of, or contain, electrical or mechanical components, changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of Mural image.

(d) No Mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.

(4) Maintenance of the Mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the Mural if it is not maintained as required. While naturally occurring changes to the Mural caused by exposure to the elements or the passage of time is acceptable, Murals that are not maintained sufficiently may be considered a public nuisance.

(5) A mural permit application shall be completed by the building owner or their applicants' assign and submitted to the Zoning Administrator. Review and approval must be obtained from the Architectural Review Board. The application shall include, at a minimum, the intended location of the Mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation of the Mural shall also be included in the application.

(D) Evaluation

Murals shall be approved for a five (5) year period. The Architectural Review Board shall reevaluate the Mural five (5) years after approval.

(E) Expiration

The Mural permit shall expire two (2) years after issuance if the approved Mural has not been installed, or 180 days from issuance if the work permitted has not begun. The permit shall also expire if it is deemed that the work authorized by the permit has been suspended, discontinued or abandoned for a continuous period of 180 days.

(F) Fees

(G) Appeal

An applicant who has been denied a permit under this section may appeal to the Zoning Board of Appeals of the City of Hartsville.

NOW, THEREFORE BE IT ORDAINED IN MEETING DULY ADVERTISED AND ASSEMBLED on the 11th day of December, 2018 and to become effective upon final reading.



Carl M. (Mel) Pennington IV, Mayor

Attest:



Sherron L. Skipper, City Clerk

First Reading: November 13, 2018
Public Hearing: December 11, 2018
Final Reading: December 11, 2018