



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/19/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 004-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 02, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Melissa Anderson, City of Florence
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

APR 12 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Florence**

Local file number: **PC 10 19 TA 03**

Date of Adoption: **03/21/11**

Date Mailed: **04/11/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/17/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The proposal amends the Florence City Code Title 2 and Title 10. The code amendments: 1) adopt new mural regulations, and 2) delete the Mural Board.

Does the Adoption differ from proposal? Please select one

The criteria for a mural permit is revised and the mural board is deleted to allow the City Council make a decision on mural permits.

Plan Map Changed from: N/A

to: N/A

Zone Map Changed from: N/A

to: N/A

Location: N/A

Acres Involved: N/A

Specify Density: Previous: N/A

New: N/A

Applicable statewide planning goals: Not applicable.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-10 (18612) [16602]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT and Lane County

Local Contact: **Melissa Anderson**

Phone: (541) 997-8237 Extension:

Address: **250 Hwy. 101 N.**

Fax Number: **541-997-4109**

City: **Florence**

Zip: **97439**

E-mail Address: **melissa.anderson@ci.florence.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**CITY OF FLORENCE
ORDINANCE NO. 5, SERIES 2011**

IN THE MATTER OF LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE FOR TITLE 2 AND TITLE 10 TO ADOPT NEW MURAL REGULATIONS AND DELETE THE MURAL ADVISORY BOARD.

WHEREAS, the Planning Commission began working on updating the City zoning code in 2006 to implement the Realization 2020 Comprehensive Plan and to address problems of the current code;

WHEREAS, the City Council prioritized an update to the sign code, which includes mural regulations, in March of 2010;

WHEREAS, the Planning Commission began a series of work-sessions to update the sign code on July 27, 2010, which were open to the public for comments on proposed changes to the sign code;

WHEREAS, a mural is distinguished from signs in general because murals have a greater impact on the community visual character and aesthetics of the surrounding neighborhood;

WHEREAS, the mural regulations are proposed to remain in the land use code and signage regulations are proposed as structural regulations in Title 4;

WHEREAS, the Planning Commission initiated amendments to the mural regulations, as well as changes to the composition and duties of the mural board on November 9, 2010;

WHEREAS, the City sent notice of the proposed code amendments to the Department of Land, Conservation and Development on November 17, 2010, not less than 45 days prior to the first evidentiary hearing as required by state law and the Florence City Code;

WHEREAS, on November 23, 2010, the City sent notice to interested parties, organizations and the media of the Planning Commission public hearing;

WHEREAS, the City published a notice in the Siuslaw News on December 22, 2010 prior to the Planning Commission conducting a public hearing January 11, 2011;

WHEREAS, on December 27, 2010, the Mural Advisory Board met to review the proposed mural code amendments and make a recommendation to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on January 11, 2011 and left the public hearing open until the next regularly scheduled meeting on January 25, 2011;

WHEREAS, the Planning Commission held a joint work-session with the Mural Advisory Board on January 19, 2011, which was open to the public for comments;

WHEREAS, the Planning Commission closed the public hearing after allowing public testimony on the proposal and deliberated to a decision on January 25, 2011;

WHEREAS, the City sent an update of the proposed code amendments to the Department of Land, Conservation and Development on February 7, 2011 and notified the Department of the final public hearing;

WHEREAS, on February 7, 2011, the City sent notice to interested parties, organizations and the media of the City Council public hearing, as well as posted the proposed code amendments on the web site;

WHEREAS, the City published a notice in the Siuslaw News on February 12, 2011 prior to the City Council conducting a public hearing on February 28, 2011 and deliberated to a decision on March 21, 2011;

WHEREAS, the code amendments in this Ordinance replace the existing mural regulations in FCC Title 10 Chapter 26, with a new mural code;

WHEREAS, the code amendments in this Ordinance delete the Mural Advisory Board in FCC Title 2 Chapter 13;

WHEREAS, the City Council finds that the proposed code amendments are consistent with applicable criteria in the Florence City Code, Realization 2020 Florence Comprehensive Plan and Oregon Revised Statutes as shown in Exhibit 5A;

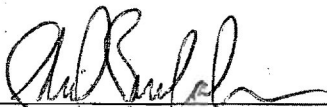
NOW, THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

- Section 1. The Findings of Fact as shown in Exhibit 5A are hereby adopted;
- Section 2. FCC Title 10 Chapter 26 is hereby amended to adopt new mural regulations as shown in Exhibit 5B; and
- Section 3. FCC Title 2 Chapter 13, Mural Advisory Board, is hereby deleted.
- Section 4. This ordinance shall take effect 30 days after its adoption by the Council.

Passed by the Florence City Council this 21st day of March, 2011.

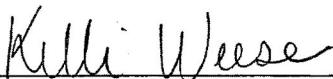
AYES	<u>5</u>
NAYS	<u>0</u>
ABSTAIN	<u>0</u>
ABSENT	<u>0</u>

APPROVED BY THE MAYOR, this 23rd day of March, 2011.



Phil Brubaker, MAYOR

ATTEST:



Kelli Weese, CITY RECORDER

ments to the City Council. Prior to the hearing, the State Department of Land Conservation and Development (DLCD) was notified, along with interested parties, organizations and the media, in order to meet all state law and local requirements, as well as to encourage public participation in the matter.

On February 28, 2011, the City Council conducted a public hearing and continued the hearing to March 21st. The Council considered public testimony before deliberating to a decision on March 21, 2011 to adopt the code changes to the mural regulations and to eliminate the mural advisory board in order to allow the City Council to be the decision-making body for mural permits.

III. NOTICE AND REFERRALS

1. Notice:

The notice of the Planning Commission public hearing was sent to interested parties, organizations and KCST Radio on November 23, 2010. The notice was also published in the Siuslaw News on December 22nd, 2010 as required by State law and the Florence City Code.

The notice of the City Council public hearing was sent to interested parties, organizations and KCST Radio on February 7, 2011. The notice was also published in the Siuslaw News on February 12, 2011 prior to the City Council conducting a public hearing on February 28, 2011.

2. Referrals:

Notice of the proposed amendments was sent to DLCD on November 17, 2010 not less than 45 days prior to the proposed first evidentiary hearing of January 11, 2011, as required by State law and the Florence City Code. An update of the proposed amendments, which included the Planning Commission's recommendation, was also sent to DLCD on February 7, 2010.

On November 23, 2010 referrals were also sent to:

- Florence Police Department
- Florence Code Enforcement
- Florence Building Official
- Florence Public Works Department
- Florence Urban Renewal Agency
- Central Lincoln PUD
- Lane County Land Management
- Lane County Transportation
- Siuslaw Valley Fire & Rescue
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw
- State of Oregon Department of Land, Conservation and Development
- State of Oregon Department of Transportation

As of January 4th, 2010, no comments were received regarding the pro-

posal.

3. **Work Session Notification**

Prior this first work-session to update the sign code with the Planning Commission on July 27, 2010, information regarding the project was posted on the City's website and notification was sent to the media, key businesses, organizations and individuals in order to encourage public participation. Notices and communication included the following:

- Website posting
- Direct mail and phone contact to key businesses, organizations and individuals
- City utility billing statements sent out to all residents included announcement of the first Planning Commission work-session
- Press release to the Siuslaw Newspaper
- Public service announcement to KCST Radio Station
- Staff attendance and announcements at:
 - Board of Realtors meeting
 - Merchants of Old Town (MOOT) meeting
 - Chamber of Commerce meeting

After this initial contact, interested parties, organizations and the media were notified of each Planning Commission work session and current information was posted on the City web for easy access by the public.

IV. **APPLICABLE CRITERIA**

1. **Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1, Zoning Administration:
Section 1-3 Amendments and Changes:
Section C Legislative Changes
2. **Florence Realization 2020 Comprehensive Plan**
 - Chapter 1: Citizen Involvement
 - Chapter 2: Land Use
 - Chapter 9: Economic Development
3. **Oregon Revised Statutes (ORS)**
 - ORS 197.610: Local government notice of proposed amendment or new regulation; exceptions; report to commission

V. **FINDINGS**

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

C. Legislative Changes:

- 1. Initiation:** A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

Finding: The proposed text amendments to the zoning code are a legislative change and consistent with this criterion because:

- The Planning Commission initiated the amendments by resolutions at their regularly scheduled meeting on November 9, 2010.
- The Planning Commission held a public hearing on January 11, 2011, and continued the hearing to January 25, 2011, prior to making a recommendation on the proposed amendments and returning the matter to the City Council for a final decision.

- 2. Notice and Public Hearing:** Such notice and hearing as prescribed by State law and the Comprehensive Plan then in effect.

Finding: The proposal is consistent with this criterion because:

- Notice of the proposed amendments was published in the Siuslaw News on December 22, 2010, and sent to interested parties, organizations and the media on November 23, 2010.
- Notice of the proposed amendments was again published in the Siuslaw News on February 12, 2011, and sent to interested parties, organizations and the media on February 7, 2011.
- Notice of the proposed amendments was sent to DLCD in accordance with ORS 197.610; the criteria of ORS 197.610 are addressed in a following section and those findings are incorporated herein.
- The criteria of the Comprehensive Plan are addressed in a following section and those findings are incorporated herein.

Realization 2020, Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City

ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)

Finding: The proposed amendments are consistent with this policy because changes to the City ordinances relate to mural regulations. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

Amendments to the Plan may be initiated by citizens, citizen groups, the Citizen Advisory Committee, the Planning Commission or the City Council. In any amendment proceedings, the City Council shall obtain the recommendation of the Planning Commission and the Citizen Advisory Committee before taking action on a proposed major amendment. Minor changes which do not have significant effects beyond the immediate area of the change require the recommendation of the Planning Commission. Minor changes may be initiated at any time. Notice to the Oregon Department of Land Conservation and Development (DLCD) of a public hearing for a proposed plan amendment shall be required at least 45 days prior to the first Planning Commission hearing. (pg. 3)

Finding: The proposed amendments are consistent with this policy because amendments to the Comprehensive Plan are minor, requiring a recommendation of the Planning Commission. These proposed amendments were initiated by the Planning Commission by resolutions at their regularly scheduled meeting on November 9, 2010. Notice of the proposed amendments was sent to DLCD on November 17, 2010 not less than 45 days prior to the proposed first evidentiary hearing. The Planning Commission held a public hearing on January 11, 2011, and continued the hearing to January 25, 2011, prior to making a recommendation on the proposed amendments and returning the matter to the City Council for a final decision.

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

- 4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment. (pg. l-1)**

Finding: The proposed amendments are consistent with this policy because the notice of the Planning Commission public hearing was sent to interested parties, organizations and the media on November 23, 2010, and was published in the Siuslaw News on December 22, 2010. Notice of

the City Council public hearing was sent to interested parties, organizations and the media on February 7, 2011, and was published in the Siuslaw News on February 12, 2011. Additionally, the agenda and proposed amendments were posted on the City's web site, prior to the hearing. Citizens were provided the opportunity to comment on the proposed amendments and the Planning Commission made changes where appropriate to address those comments.

5. **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.** (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City web site and made available on request to the public.

6. **Planning documents and background data shall be available to interested citizens.** (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because the staff report is made available to the public prior to the public hearing as well as posted on the City web site.

Chapter 2: Land Use

Policy:

3. **The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.** (pg. II-1)

Finding: The proposal is consistent with this policy because the mural regulations of Title 10 Chapter 26 are being replaced with a new mural code. A mural is distinguished from signs in general because it has a greater impact on the community visual character and aesthetics of the surrounding neighborhood. As such, the mural regulations are proposed to remain in the land use code in Title 10 and signage regulations are proposed as structural regulations in Title 4. The new mural regulations are intended to allow for murals that are compatible with the aesthetic appearance of adjacent buildings and the surrounding community character, and enhance the building appearance and overall visual attractiveness of the City.

Chapter 9: Economic Development

Goal:

To embrace a stable, prosperous business environment focused on industry diversity, yielding family income sufficient to support education, recreation, social and cultural opportunities, comprehensive health services, affordable housing and public safety while preserving the environment and its natural beauty.

Policy:

- 1. The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.**

Finding: The proposal is consistent with this policy because the mural regulations of Title 10 Chapter 26 are being replaced with a new mural code. A mural is distinguished from signs in general because it has a greater impact on the community visual character and aesthetics of the surrounding neighborhood. As such, murals have the potential to affect the tourist economy of Florence by enhancing the overall visual attractiveness of the City.

Statewide Planning Goals

ORS 197.175: Cities' and Counties' Planning Responsibilities; Rules on Incorporations; Compliance with Goals.

(2) Pursuant to ORS Chapters 195, 196 and 197, each city and county in this state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;

Finding: The proposal is consistent with ORS 197.175 because this staff report contains findings to conclude that the proposed code revisions are in compliance with the Florence Comprehensive Plan, which has been acknowledged by DLCD. The comprehensive plan implements the Statewide Planning Goals and therefore, consistency with the comprehensive plan effectively implements the Statewide Planning Goals.

Oregon Revised Statutes

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments are listed below with findings to address consistency with this State law.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

197.610(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with this statute because notice to DLCD was sent on November 17, 2010 at least 45 days prior to the January 11, 2011 (first) evidentiary hearing and the notice contained the information required in this statute.

VI. CONCLUSION

The proposed amendments to the Florence City Code Title 2 Chapter 13 and Title 10 Chapter 26 are consistent with the applicable criteria in the Florence City Code, Florence Realization 2020 Comprehensive Plan and Oregon Revised Statutes.

**EXHIBIT 5B
For Ordinance 5, Series 2011**

TITLE 10
CHAPTER 26

MURAL REGULATIONS

SECTION:

- 10-26-1: Purpose
- 10-26-2: Definitions
- 10-26-3: Prohibited Murals
- 10-26-4: Exemption from Permit Requirement
- 10-26-5: Mural Permit Application
- 10-26-6: Mural Permit Criteria
- 10-26-7: Structural Review
- 10-26-8: Suspension or Revocation
- 10-26-9: Inspections and Expiration of Permit
- 10-26-10: Maintenance of a Permitted Mural
- 10-26-11: Alterations to a Permitted Mural
- 10-26-12: Removal of a Permitted Mural
- 10-26-13: Enforcement
- 10-26-14: Appeals

10-26-1 Purpose: The purpose of this Chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

10-26-2 Definitions:

"Alteration" means any change to a permitted mural, including but not limited to any change to the image(s), materials, colors or size of the mural. "Alteration" does not include maintenance or repair of a permitted mural.

"Community Development Director" means the Florence Community Development Director or his or her designee. For the ease of reference in this section, the Community Development Director shall be referred to by the term "Director."

"Mural" means a work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.

"Permitted Mural" means a mural for which a permit has been issued by the City of Florence pursuant to this Chapter.

10-26-3 Prohibited Murals:

- A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:
1. Electrical or mechanical components; or
 2. Changing images.

10-26-4 Exemption from Permit Requirement:

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

10-26-5 Mural Permit Application:

- A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."
- B. The general application requirements of FCC 10-1-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:
1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.
 2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.
 3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.
 4. A color image of the proposed mural with dimensions drawn to scale.
 5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size and depth.
 6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).

10-26-6 Mural Permit Criteria: No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria:

- A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.
2. The mural may reflect the diversity of the world.
3. The mural may reflect historic, cultural or natural heritage.
4. The mural respects the original character of the building and surrounding buildings.

- B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

1. The mural will not adversely dominate the building or surrounding area.
2. The mural will not create traffic or safety hazards.
3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.

- C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.

- D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6") from the plane of the wall, unless approved by the City Council.

- E. Murals shall be installed for durability and maintained for life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.

- F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.

- G. The creator/artist is under contract or other obligation to complete the Mural.

- H. The Mural is an original work of art

- I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

10-26-7 Structural Review: Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

10-26-8 Suspension or Revocation:

- A. The Director may suspend or revoke a permit issued under the provisions of Title 10. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked upon a finding that:
1. The permit issued on the basis of incorrect information supplied by the applicant;
or
 2. The permit is issued in violation of any of the provisions of Title 10.

10-26-9 Inspections and Expiration of Permit:

- A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exist any violation of the City Code.

- B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.
- C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.
1. The request for an extension is made in writing prior to expiration of the original approval.
 2. There are special or unusual circumstances that exist which warrant an extension.
 3. No material changes of surrounding land uses or zoning has occurred.

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

10-26-10 Maintenance of a Permitted Mural: For any mural approved after March 21, 211, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

10-26-11 Alterations to a Permitted Mural: Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

10-26-12 Removal of a Permitted Mural:

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

10-26-13 Enforcement:

- A. Violations: It is unlawful to violate any provisions of this Chapter. This applies to any person undertaking an application for a Mural Permit, to the building tenant or owner of the Mural site. For the ease of reference in this section, all of these persons are referred to by the term "operator."
- B. Notice of violations: The Director must give written notice of any violation of the City Code to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Responsibility for enforcement: The regulations of this Chapter may be enforced by the Director pursuant to Florence City Code 10-1-1-8.

10-26-14 Appeals: Under this Chapter, any quasi-judicial decision of the City Council may be appealed to the Land Use Board of Appeals in accordance with state law.



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