

FIRST READING August 16, 2022

SECOND READING September 20, 2022 – Tabled

SECOND READING October 18, 2022

PASSED October 18, 2022

**AN ORDINANCE NO. BR2022-30**

**AN ORDINANCE TO AMEND CHAPTER 140 (“ZONING”), ARTICLE XVI (“SIGNS AND OUTDOOR ADVERTISING”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO PROVIDE FOR A NEW SECTION 140-474 (“MURALS”), TO ALLOW FOR AND REGULATE MURALS WITHIN THE CITY, AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 140 (“Zoning”), Article XVI (“Signs and Outdoor Advertising”) of the Code of the City of Blue Ridge, Georgia (“Code”) provides generally for the regulation of signs and outdoor advertising within the City; and

**WHEREAS**, Chapter 140 (“Zoning”), Article XVI (“Signs and Outdoor Advertising”) of the Code currently makes no provision for murals within the City; and

**WHEREAS**, there is a desire to allow for and review murals as cultural installations intended to enhance the aesthetic character of the City's public spaces and advance the understanding of public art; and

**WHEREAS**, the Mayor and City Council have determined that in order to balance the installation of murals and protect the health, safety, security, peace, and general welfare of the citizens of the City, regulations should be placed on the installation of murals; and

**WHEREAS**, City staff has worked with the City’s Downtown Development Authority to propose certain regulations regarding murals in the City; and

**WHEREAS**, the Mayor and City Council find it in the public interest to provide for such regulations regarding murals in the City.

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law, that Chapter 140 (“Zoning”), Article XVI (“Signs and Outdoor Advertising”) of the Code of the City of Blue Ridge, Georgia, is hereby amended to add a new Section 140-474 (“Murals”) as follows:

SECTION 1.

AMENDMENT TO CHAPTER 140 ("ZONING"),  
ARTICLE XVI ("SIGNS AND OUTDOOR  
ADVERTISING")

Chapter 140

ZONING

ARTICLE XVI. SIGNS AND OUTDOOR ADVERTISING

Sec. 140-474. Murals.

(a) *Mural defined.* The term "mural" means an artistic rendering of an image located on an exterior wall of a building located in the Central Business District. It can be an image or word(s) painted on the side of a building, in replacement of, or an embellishment of, the typical mono-color painting of a building side. The mural may or may not include the name of the business operating in the building where the mural is placed. A stylized rendering of the business name without any additional visual imagery shall not be construed to be a mural but rather will be regulated as a wall sign as set forth in this article. A standalone billboard shall not constitute a mural.

(b) *Purpose.* The following type of murals shall be permitted within the Central Business District: (1) historic murals and (2) original art murals. All other similar forms of outdoor visual art that do not meet the definitions of these forms of murals shall be regulated as wall signs as set forth in this article.

(1) *Historic murals.* Historic murals are original works of visual art or signs produced by hand that were tiled, painted directly on or affixed directly to a wall or building prior to the date of adoption of this ordinance. Murals that recreate a historic image bearing a relationship to a historic City of Blue Ridge theme established after the date of adoption of this ordinance constitute historic murals. Original historic murals and recreations of historic images are permitted.

(2) *Original art murals.* Original art murals are original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a wall or building. Original art murals are permitted and shall be content neutral (non-political, non-religious, and non-offensive). Original art murals may be mechanically produced or computer-generated prints or images, but shall not include the use of digitally printed vinyl.

a. Original art murals shall comply with the following standards:

1. Original art murals shall not contain a commercial message.

2. The mural shall remain in place, without alteration, a minimum of five (5) years. The applicant shall attest to this standard in the permit application.
  3. No part of any mural shall extend beyond the building wall or freestanding wall on which it is tiled, painted, or affixed.
  4. No part of the mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
  5. An appropriate graffiti resistant sealer or topcoat shall be applied to the finished mural.
- b. The following forms of original art murals are prohibited:
1. Any mural that contains an element that moves, rotates, or otherwise creates a changing image or message.
  2. Any mural that uses flashing or scrolling lights, an internal light source, or other light feature.
  3. Any mural containing electrical or mechanical components.
  4. Any mural that is applied to a surface as a vinyl or other non-permanent material.

(c) *Mural permitting process.* All murals require approval by the City Council following review and recommendation by the City of Blue Ridge Downtown Development Authority. The decision of the City Council shall be final. The action to approve a mural shall be by resolution of the City Council, following submission of an application to the City of Blue Ridge Planning and Zoning Department, which will be forwarded to the Downtown Development Authority for review.

- (1) The following application process must be followed for consideration by the City Council and Downtown Development Authority:
  - a. The mural application process will be a bi-annual application window, open in January and again in July, limited to one approval of a mural and a maximum of five applications per bi-annual session.
  - b. Applications shall be made on the form provided by the City with an application fee of \$50.00.
  - c. The business owner or their designee must complete the application and location agreement.

- d. The application must include signatures by the building owner and the artist painting the mural, attesting that what is to be painted is accurately depicted on the application.
  - e. A full color rendering/picture of the mural must be included in the application.
  - f. The subject matter must be content neutral (non-political, non-religious, and non-offensive).
  - g. Once an application is approved and a permit issued, work must begin within six months or an otherwise approved timetable.
  - h. Work must be completed within 90 days.
- (2) The standards to be utilized by the Downtown Development Authority to recommend a mural shall include the following:
- a. The size, scale, and relationship of the mural to the historic context in the case of historic murals. Original art murals may or may not bear any relationship to the City of Blue Ridge.
  - b. Repainting of historic advertising shall be guided by exacting documentation concerning the mural and input from the Historical Committee.
  - c. A permanent plan for maintenance and exact repainting according to the plan of the original artist shall be submitted with the application. The exact matching of color and application technique shall be specified in the plan.
  - d. Any mural proposed must be on a wall surface that will not mar a key historic feature and will be compatible with the streetscape. The image of any faded advertising murals shall be stabilized using appropriate preservation techniques and shall remain otherwise unchanged in its original setting.
  - e. The standards of this section applicable to each mural type shall be considered by the Downtown Development Authority and City Council.

(d) *Maintenance.* The property owner, in addition to the business owner and/or artist, must sign the application form affirming their promise to maintain the mural in good condition for five years or, in the case a mural is not maintained, have it repainted a typical monochrome color within 90 days' notice from the City. In the event, the building is sold, the new owner shall have the right to remove the mural.

(e) *Removal of Murals/Failure to comply.* The failure of an applicant to comply with this ordinance will result in the applicant being required to remove the mural and restore the façade upon which the mural was placed to its prior condition or compatible appearance. Failure to obtain approval from the City to install a mural will result in a stop work order and a citation being issued. If the City is required to remove a mural for non-compliance, it will be at the owner's expense.

**Sec. 140-475 – 140-499. Reserved**

**SECTION 2. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

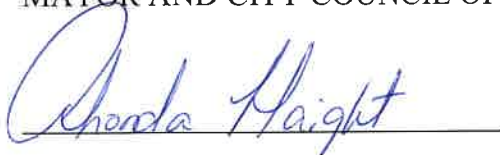
All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 4. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

**SO ORDAINED** this 18 day of October, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE



Mayor, City of Blue Ridge



Clerk, City of Blue Ridge

