



**AMENDING THE BUILDINGS AND BUILDING REGULATIONS
OF THE
CITY CODE OF ORDINANCES, CITY OF CHERRYVILLE, NORTH CAROLINA
TO CREATE
THE CITY OF CHERRYVILLE MURAL ORDINANCE**

WHEREAS, the City of Cherryville has previously adopted building ordinances which provide for the regulation of construction in the City; and

WHEREAS, the Downtown Director of the City of Cherryville has recommended an addition to Chapter 8, Buildings and Building Regulations, of the City Code of Ordinances, in order to create requirements and guidelines for the installation of murals placed on private property within the city that can be seen by the public; and

WHEREAS, the City Council has conducted a Public Hearing on April 10, 2023 at which time all interested citizens, residents, property owners and agencies could be heard on whether they approved or disapproved of the proposed amendment; and

WHEREAS, the City of Cherryville Planning and Zoning Board has made a recommendation to the City Council on the matter.

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Cherryville, North Carolina, assembled in regular session this the 10 day of April, 2023, as follows:

That pursuant to the authority granted by NCGS 160-A-360 and 364, the Official City Code of Ordinances of the City of Cherryville, North Carolina shall be amended to add the following language to Chapter 8, Buildings and Building Regulations, as follows

Article VII. Murals

Sec. 8-201. Intent of this ordinance.

- (a) encourage artistic expression.
- (b) foster a sense of pride in our City.
- (c) control new commercial or advertising murals.
- (d) preserve existing murals that are a valued part of the history of the City of Cherryville.
- (e) promote public safety and welfare.
- (f) protect the visual environment by controlling the numbers, size, height, spacing, and location of murals.

Sec. 8-202. Applicability.

This ordinance applies to all murals which are on public property or are visible from public property within the City of Cherryville.

Sec. 8-203. General requirements for all murals.

- (a) Murals must be a one-of-a-kind work of art which is hand-painted, hand-tiled, or digitally printed and must not appear in any other public form including but not limited to advertising, logos, and trademarks.
- (b) Murals must not contain any commercial or advertising message that advertises business conducted, services rendered, or goods produced or sold.
- (c) Murals must be appropriate, coherent, compelling, and timeless.
- (d) Murals must not interfere with traffic or public safety by reason of their: 1) design, 2) installation, 3) repair, or 4) maintenance.
- (d) Murals must be placed on prepared surfaces which may include those surfaces receiving chemical treatments to remove chipping paint, mold, and dirt.
- (e) Murals must include a protective coating once the mural is complete.
- (f) Murals must be durable and able to withstand minor wear and tear and harsh outdoor elements for at least ten years.
- (g) Murals, if they are to contain an artist signature or brand, must be approved during the approval process for the mural.
- (h) Murals must be distinctive through the use of design color.

Sec 8-204. Requirements for Murals in the Central Business District.

Murals in the Central Business District should comply with the Downtown Murals Concept Plan approved by the City Council. Exceptions to the plan, in terms of locations and/or themes, will be approved on a case-by-case basis by the City Council.

Sec 8-205. Requirements for murals depicting notable personalities.

Murals depicting notable personalities should be carefully considered in terms of the lasting, positive, and significant impact on the community of the persons depicted. The City Council has the right to review or cause the removal of any mural should the personality do something to hurt the reputation of the city.

Sec. 8-206. Alterations to murals.

- (a) Alterations to murals must be approved in the same manner as depicted in Sec. 8-208.
- (b) Alterations include any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors or size of the permitted mural.
- (c) Alteration does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute an alteration. Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

Sec. 8-207. Removal of murals.

- (a) So as to retain the long-term character of the city, removal of murals must be approved in the same manner as depicted in Sec. 8-208.
- (b) A mural may be removed by the owner within the first four years of the date of registration under the following circumstances:
 - (1) the property on which the mural is located is sold.
 - (2) the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural.
 - (3) the property undergoes a change of use authorized by the Codes Department in the City of Cherryville.
- (c) The City Council may compel the removal of a mural if it is not complete by the time specified in 8-208 (d).

8-208. Approval Process.

The Downtown Director, the Cherryville Main Street Program (CMSP) Board of Directors, and the Architectural Review Board are the designated agents of the City Council for administering the mural program city wide. The approval process for all murals, whether they are inside or outside of the central business district, is as follows.

(a) Application must be submitted to the Downtown Director who will present the application to the Architectural Review Board to determine compliance. It will then be presented to the CMSP Board of Directors for their comments and recommendation. The Downtown Director will then forward it to the City Clerk and City Manager for approval by the City Council.

(b) If a mural proposal does not conform to the standards, non-conforming items will be noted and the proposal returned to the applicant for required changes. Non-conforming applications can be revised and re-submitted for review.

(c) Applications must include:

- 1) a cover letter explaining the proposed mural.
- 2) expressed permission of the owner of the property with the owner's name, address, and signature.

- 3) a to-scale rendering.
- 4) a map showing the proposed location of the mural.
- 5) a description of the materials used.
- 6) the actual size of the finished mural.
- 7) the process by which the mural will be created, including verification of materials and a coating for protection.

(d) City Council approval for the mural to be completed will be granted for a period of one year for the specific design submitted in the application documents.


8-209. Fee for New Mural Registration.

Each application for registration with the Architectural Review Board shall be accompanied by the payment of a \$100 non-refundable fee payable to the City of Cherryville. Murals sponsored by public funds are exempt from this registration fee.

8-210. Non-conforming murals. Any mural installed prior to the effective date of this section shall have legal nonconforming status and, notwithstanding any provision of this ordinance, will not require registration.

**ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLIA
THIS 10 DAY OF APRIL, 2023.**


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor

