

ARTICLE VII. – DOWNTOWN PUBLIC ART

Sec. 19-128. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold:

Public Art – Artwork, mural, sculpture, figure, statue, model, display, structure or similar entity staged in or on public or private property for view from a public right-of-way, street, alley or sidewalk.

Original Art Mural – A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message as stated in Sec. 709. Of the Rocky Mount Sign Ordinance

Vintage Original Art Mural – An Original Art Mural that existed prior to the operative date of this definition.

Sculpture - A three-dimensional work of art, especially by carving, modeling, or casting.

CCRP Design Committee (CCRPDC) – A group of citizens selected to improve the physical appearance of Downtown, including the reviewing and approving of installations of Public Art, in the downtown area of Rocky Mount.

Downtown Public Art Area – For the purposes of the CCRPDC, the Downtown Public Art Area is defined as that physical area bounded by and inclusive of the rights-of-way of Franklin Street to the west, Falls Road to the northeast, Goldleaf Street to the north, Atlantic Avenue and Arlington Street to the east, and East Raleigh Boulevard and West Raleigh Boulevard to the south, and described more particularly as: *Beginning at the intersection of Falls Rd and N Franklin St, thence in a southerly direction with N Franklin St to the intersection with S Franklin St. Thence with S Franklin St. in a southerly direction to the intersection with W Raleigh Blvd. Thence in a easterly direction with W Raleigh Blvd. to the intersection of Arlington St. Thence in a northerly direction with Arlington St. to the intersection of Arlington St., Tarboro St. and Atlantic Ave. Thence in a northerly direction with Atlantic Ave. to the intersection of E. Goldleaf St. Thence in a westerly direction with E. Goldleaf St. to the intersection with W. Goldleaf St. Thence with W. Goldleaf St. to the intersection of Falls Rd. Thence in a northerly direction with Falls Rd. to the intersection with N Franklin St. the point and place of beginning.*

Sec. 19-129. CCRP Design Committee Membership (CCRPDC)

The Committee shall have five voting members and five city staff member as follows:

- (1) Five voting members will be the CCRP Design Committee.
- (2) Staff support members will include: the City of Rocky Mount Downtown Development Manager, the Imperial Centre Visual Arts Specialist, one City of Rocky Mount Planning Department representative, one City of Rocky Mount

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Engineering Department representative, and one City of Rocky Mount Police Department representative.

Sec. 19-130. Submission Procedures

- (a) Proposals for Public Art shall be submitted to the Downtown Development Manager, or their designee, by the property owner(s) of the proposed installation location.
- (b) The submission shall, at a minimum, include a two-dimensional color rendering of the proposed art work to scale and labeled with dimensions. The rendering shall have a minimum size of 18” by 24”, and the scale shall be a minimum of 1” = 1’.
- (c) The Committee will encourage, but not require, submission of three-dimensional models of proposed three-dimensional Public Art.
- (d) Public Art Application

No person, firm or corporation may commence installation of public art on a site without first obtaining approval as provided in this section. Public Art installed without an approved application shall be considered a public nuisance. The applicant must submit an application for public art to the Downtown Development Manager for review. The applicant may not commence any public art installation before the application has been approved. A separate application is required for each art installation on a site. The application is a binding contract between the applicant and the city.

General application requirements. An application to install public art must be made in writing on forms furnished by the Downtown Manger. Three copies of the application form and required submittal items shall be provided. The application must contain the general information specified in Section A, below.

A. Required Materials

1. Completed Public Art application form, including all appropriate signatures.
2. Building elevation drawn to scale, and one 8.5” x 11” reduction suitable for photocopying, that identifies:
 - a. the façade on which the mural is proposed;
 - b. the location of existing and proposed murals;
 - c. the mural dimensions;
 - d. the height of the mural above grade; and
 - e. the building eave/cornice and roof line.
3. Site plan drawn to scale and one 8.5” x 11” reduction suitable for photocopying that identifies:
 - a. Property lines;

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- b. building location and façade on which the mural will be located;
 - c. names of streets that abut site; and
 - d. north arrow.
4. Written description of the type of mural (painted, mosaic, etc) and details showing how the mural is affixed to the wall surface.

Sec. 19-131. Review Parameters

- (a) The CCRPDC shall consider the following for each Public Art submission:
 - (1) Size
 - (2) Scale
 - (3) Content
 - (4) Color
 - (5) Medium or Media
 - (6) Originality
 - (7) Installation location
- (b) The CCRPDC shall deny approval of any proposed Public Art that includes any of the following:
 - (1) Commercial advertising
 - (2) Commercial signage
 - (3) Commercial logo(s)
 - (4) Political mascot(s)
 - (5) Vulgar or obscene content
 - (6) Any design element that is could pose a copyright or trademark infringement

Sec. 19-132. Approval Procedures

- (a) Proposals submitted to the Downtown Development Manager, or their designee, by the first day of any month shall be reviewed by the CCRPDC at the next regularly scheduled meeting.
- (b) Approval of any proposed Public Art shall require approval by majority of the CCRPDC membership (i.e., five members).
- (c) Public Art already in place as of the adoption of this document shall not be required to be submitted for CCRPDC approval and may remain in place, unless altered or expanded upon.

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Sec. 19-133. Appeal Procedures

- (a) The property owner of any Public Art request denied approval may appeal the CCRPDC's decision to the Central City Revitalization Panel (CCRP). The CCRP's decision shall be final.

Sec. 19-134. Installation & Maintenance

- (a) The property owner and/or the artist shall be responsible for all labor and materials necessary to install the approved Public Art in a safe and secure manner in accordance with all City, State and Federal regulations.
- (b) The property owner shall notify the Downtown Development Manager, or their designee, a minimum of one week prior to installation.
- (c) The property owner shall be responsible for all maintenance required for any Public Art located on his or her property.
- (d) The property owner shall be responsible for the removal of any Public Art located on his or her property in the event that it is damaged, has its integrity compromised, or poses a health or safety hazard to persons or property.
- (e) If the property owner fails to maintain the art and subsequently does not take responsibility for its removal, the City will address it as a public nuisance.

Sec. 19-135. Design Standards

- (a) Location of Mural on the Building

Murals are permitted on the following building walls:

1. Central City Historic District. Within the Central City Historic District, murals are permitted only on non-street facing walls and street-facing walls that are more than 20 feet from a street lot line.
2. All other areas. Murals are permitted on any wall.

- (b) Qualifying Wall Surfaces for Murals.

1. Murals are permitted only on the flat planes of walls. Murals are not allowed on walls made of stone, or unpainted brick, per the HPC standards.
2. Murals are permitted only on walls that have not had a specific material, color or texture reviewed and approved through CCRPDC Review unless a new CCRPDC Review has allowed the Mural to change the originally approved color, texture, or material.

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3. Mural areas will not be painted on or obscure architectural features such as: windows, doors (other than egress-only), pilasters, cornices, window, door or other building trim, feature bands, and other recessed or projecting features.

(c) Number of Mural Permits per building wall.

Only one mural permit may be obtained per wall.

(d) Mural Size and Materials.

1. The top of the mural may be no higher than the floor level of the third floor for projects on buildings greater than two stories.
2. Minimum size for a Mural Area is 32 square feet.

(e) Hierarchy of Regulations.

1. Any ground floor window area requirements triggered at any time for the portion of a building displaying a mural will require the removal of the mural.
2. If a mural installation includes any changes to a building that would otherwise require CCRPDC Review, those changes must be approved through CCRPDC Review prior to approval of the Public Art application. Examples include a new wall material, lighting, extensions of the mural above the existing height of the building, electrical changes, etc.