

## **COMMISSIONERS ORDINANCE NO. O-2025-10**

### **AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY CREATING CHAPTER 103 WITHIN TITLE IX GENERAL REGULATIONS OF THE CODE OF ORDINANCES REGARDING AND ESTABLISHING GUIDELINES FOR THE APPROVAL, PLACEMENT AND DESIGN OF MURALS**

WHEREAS, there exists a necessity for the creation of provisions and guidelines regarding the placement, design and installation of murals within the City; and,

WHEREAS, a proposed Ordinance was presented and discussed before the Newport Historic Preservation Commission at a public hearing held on June 18, 2025 and unanimously approved by the quorum present recommending its adoption by the Board of Commissioners;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS  
OF THE CITY OF NEWPORT, KENTUCKY, AS FOLLOWS:

#### **SECTION I**

That there is hereby created and established Chapter 103 regarding Murals within Title IX General Regulations of the Code of Ordinances to read as follows:

##### **TITLE IX: GENERAL REGULATIONS**

##### **CHAPTER 103: MURALS**

###### **§ 103.01 PURPOSE AND INTENT**

The purpose hereof is to establish guidelines for the approval, placement and design of murals to enhance the City's visual environment, promote cultural expression and ensure compatibility with the architectural and historical context of buildings and neighborhoods. The intent hereof is to encourage high quality public art while protecting public safety and preserving architectural integrity.

The Historic Preservation Commission shall act as the reviewing body concerning all matters regarding murals as set forth herein.

###### **§ 103.02 DEFINITIONS**

**Certificate of Appropriateness (COA):** An official document issued by the City's Historic Preservation Commission indicating that a proposed change to a property within a designated historic district is appropriate and consistent with applicable historic design guidelines.

**Integrity:** The state of being whole, undivided, and visually or conceptually consistent. For murals, the ability of the design to be executed as conceived by the artist without distortion

or reduction that would diminish its intended impact. For buildings, it refers to the structural or architectural conditions that may interfere with or fragment the visual continuity or legibility of the mural.

**Mural:** A work of visual art permanently or temporarily applied, painted, implanted or placed directly onto the exterior of the surface of a building, wall or structure, visible from the public rights-of way that does not advertise a certain product, business or service.

**Non-Building Structure:** An eligible structure including, but not limited to, the following:

- Floodwalls
- Retaining Walls
- Bridge Abutments
- Utility Boxes
- Water Tanks or Towers
- Public Stairwells
- Transportation Infrastructure (e.g. Underpasses, Sound Walls)

**Primary Façade:** Any façade or structure that runs generally parallel to a street, not including an alley.

**Rear Façade:** Any façade that is not a Primary, Secondary or Side Façade.

**Secondary or Side Façade:** Any façade that is visible from a street or rights-of-way that is not a Primary Façade.

## § 103.03 PERMISSABLE ZONES

Murals shall be permitted only within the following zoning districts:

- Central Business District (CBD)
- Central Business District Fringe (CBDF)
- Shopping Center (SC)
- Neighborhood Commercial (NC)
- Riverfront Development (RFD)
- Industrial 1 (I-1)
- Industrial 2 (I-2)
- Transitional Zone (TZD)

## § 103.04 LOCATION, PLACEMENT STANDARDS, RESTRICTIONS AND REQUIREMENTS

1. Murals are permitted only upon commercial and mixed-use buildings or structures.
2. Murals are prohibited on dwellings or other residential structures.
3. Murals shall only be permitted on Secondary, Side or Rear Facades.
4. Murals that are not painted directly onto a façade or structure shall not extend more than four inches from the façade and shall not encroach into any rights-of-way.

5. Temporary murals shall only be permitted for a period of six months and shall be prohibited within any historic district or upon any historic landmark.
6. The only form of a temporary mural permitted shall be made of vinyl heat sealed materials that can be removed without damage to the structure.
7. Murals shall not exceed more than 50% of the wall area on which they are to be located.
8. Projection-style lighted murals shall be permitted on commercial buildings located in any zoning district in the city, subject to the following:
  - a. Projection-style murals may be displayed on any façade (primary, secondary, side, or rear).
  - b. Projection-style murals shall be allowed only by permit, once per calendar year per site, for a duration not to exceed thirty (30) consecutive calendar days.

Exception: Exceptions to subsection (b) may be granted for sanctioned public art events or festivals, which are authorized or co-sponsored by the City.
  - c. Projected light shall not shine directly onto neighboring properties or public rights-of-way in a manner that causes glare or visual intrusion.
  - d. Projection-style murals shall be static in nature and shall not include flashing, strobing, scrolling, or changing images.

Exceptions to subsection (d) may be granted for sanctioned public art events or festivals, which are authorized or co-sponsored by the City.
  - e. Projected murals shall comply with all applicable noise and light ordinances.
  - f. Projection-style murals proposed on buildings located within a locally designated historic district shall require review and approval by the Historic Preservation Commission prior to issuance of a permit.
9. Relief from the 50% wall area maximum may be requested and shall be considered by the City's Historic Preservation Commission for approval where the following conditions may exist:
  - a. The proposed mural design requires a larger wall area in order to maintain its artistic integrity or,
  - b. The architectural design or layout of the building imposes limitations that would otherwise compromise the integrity of the mural.
10. Murals shall only be installed in a manner that will not damage any distinctive architectural features associated with the building.
11. Murals shall not obstruct any architectural structures, windows, doors, points of access, or other similar decorative elements of the building.
12. Murals must not create a distraction to motorists or block visibility at intersections or access points.
13. Murals shall not extend beyond roof lines or wall edges.
14. Murals shall not be painted directly on unpainted masonry.
15. Mural installation shall not alter the original texture of a façade. (For example: textured stucco cannot be smooth to create a more suitable surface for painting.)
16. Wall preparation, cleaning and mural installation shall utilize the least damaging techniques available.
17. If the mural is to be applied to a removable surface and affixed to the building, framing shall allow space between the wall and the mural surface to avoid trapping moisture.

18. A COA is required for any mural proposed upon a building within a designated historic district, issued by the City's Historic Preservation Commission prior to any mural permit can be granted.

## § 103.05 DESIGN STANDARDS

1. Murals must be original works of art and shall not include advertising, logos, slogans, corporate branding, or commercial messages.

Exceptions: (for historical and artistic purposes only):

- a. Accurate depiction of former Newport businesses, brands, or signage no longer in operation.
- b. Reestablishment or artistic replication of "ghost" signage as a cultural or architectural preservation element.
- c. Installation of historically significant signage as a standalone art piece.

All such exceptions must be for non-commercial purposes only, and may not advertise or promote any current or off-site business, product, or service.

No compensation or commercial sponsorship may be associated with the inclusion of any historic business imagery.

These elements shall be reviewed for authenticity and context by the Planning and Development Department, and by the Historic Preservation Commission when located within a historic district.

2. The use of reflective, fluorescent or neon paint is discouraged.
3. The artist's name or signature may be included upon any mural but shall not exceed 5% of the total mural area.
4. Murals must utilize durable, weather-resistant and UV-stable materials, with protective coatings applied as needed.

## § 103.06 MAINTENANCE

1. The property owner shall be responsible for all ongoing maintenance and upkeep of any mural.
2. Murals must be kept free of peeling paint, excessive fading, damage or graphite.
3. In the event a mural becomes deteriorated or defaced, the City may order repair to or removal of the mural within a designated period of time.
4. If the mural exists in an area subject to vandalism, an anti-graffiti clear coat should be applied.
5. When a wall can no longer be used for a mural or when the mural has degraded to the point necessitating removal, the mural shall be decommissioned and removed.

## § 103.07 APPLICATION AND APPROVAL PROCESS

1. A mural permit must be approved and obtained from the City's Planning and Development Department prior to installation.

2. The application for a mural permit shall include the following:
  - a. The property location and zoning verification;
  - b. A scaled rendering of the proposed mural;
  - c. The dimensions, materials and installation method;
  - d. The artists or design team qualifications; and,
  - e. A written maintenance plan including a process for decommissioning.
3. For murals located in an historic district, a valid COA must be included with the application.
4. The City's Planning and Development Department shall evaluate all applications based upon the Evaluation Criteria set forth herein.

#### **§ 103.08 MURAL APPLICATION EVALUATION CRITERIA**

The following criteria shall be used to evaluate mural applications and permit approval:

1. Location and Zoning Compliance:
  - a. That the mural is proposed in an allowable zoning district.
  - b. Whether the mural located on a commercial or mixed-use building and on a Secondary, Side or Rear Facade.
  - c. If located within a historic district whether a COA has been approved.
2. Scale and Proportion:
  - a. A determination that the mural does not exceed 50% of the wall surface area.
  - b. That the mural is appropriately scaled in relation to the wall and building.
  - c. That a sense of balance is maintained with the building's dimensions and form.
3. Architectural Content and Compatibility:
  - a. That the mural complements the architectural style and does not cover or obscure important features, such as windows and cornices.
  - b. That the design aligns with the building's scale, form and materials.
  - c. That the mural is respectfully integrated into the building's architectural language.
4. Neighborhood and Cultural Context:
  - a. That the mural reflects and enhances the character of the surrounding neighborhood.
  - b. That the mural is appropriate in terms of subject, tone and placement relative to nearby buildings and uses.
  - c. That the mural positively contributes to the pedestrian experience and public realm.
5. Artistic Integrity and Design Quality:
  - a. That the mural is an original rendering and not a reproduction of commercial or corporate imagery.
  - b. That the design reflects consideration for public viewership and long-term aesthetic impact.
6. Materials and Durability:
  - a. That the proposed materials are suitable for outdoor installation and resistant to weather, fading and vandalism.
  - b. That a protective coating is included where necessary to preserve the mural's integrity.
7. Maintenance and Longevity:
  - a. That a maintenance plan has been submitted and accepted.

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- b. That the property owner accepts responsibility for upkeep and restoration of the mural, if necessary.

## § 103.09 MURALS LOCATED ON NON-BUILDING STRUCTURES

### 1. Applicability:

The foregoing shall apply to murals proposed on permanent Non-Building Structures located within both the public and private realm. Eligible structures include, but are not limited to, those indicated in the Definition thereof as set forth in Section 101.02 hereof.

### 2. Location:

- a. Such Non-Building Structures must be located within one of the zoning districts set forth in Section 101.03 hereof where murals are permitted or on publicly owned property where public art is authorized.
- b. Murals shall not interfere with the functionality, safety or visibility of the Non-Building Structure.
- c. Prior to any mural installation on a public infrastructure, written permission from the managing public agency or utility provider shall be required.

### 3. Design and Scale Standards:

- a. The mural must be appropriate in scale to the surface area of the Non-Building Structure area.
- b. The mural design shall respect the architectural or engineering content of the Non-Building Structure and its surrounding environment.
- c. The mural must not obscure safety signage, identification numbers or access panels.
- d. The mural may cover up to 100% of the Non-Building Structures surface unless otherwise restricted by the owning agency.

### 4. Approval Process:

- a. All murals on Non-Building Structures require an approved mural permit from the City's Planning and Development Department.
- b. In the event the structure is located within a designated historic district or near a designated landmark, approval from the City's Historic Preservation Commission may also be required.
- c. Proposals shall be reviewed using the criteria set forth in Section 101.08 hereof, with additional consideration of public visibility impact, long term maintenance feasibility; and, ownership or stewardship responsibilities.

### 5. Maintenance and Liability:

- a. The mural application and/or property owner or steward shall be responsible for long term maintenance and repair of the mural.
- b. A maintenance agreement may be required, in particular with regard to murals installed on public infrastructure.
- c. The City reserves the right to require removal if the mural deteriorates, is damaged or becomes a hazard.

## § 103.10 ENFORCEMENT AND PENALTY

1. Any mural installed without an approved permit or in violation of the provisions set forth herein may be deemed as un-authorized and subject to removal.
2. Property owners may face ~~citation, fine and/or~~ corrective action orders for non-compliance.
3. Failure to maintain a mural in accordance herewith may also result in City initiated abatement.
4. Any person, firm, organization, or corporation who violates any of the provisions of this Chapter or fails to obtain a requisite permit shall, upon conviction, be guilty of a Class B misdemeanor in accordance with the Kentucky Revised Statutes.

## SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published, and effective upon publication.

PASSED 1<sup>st</sup> READING: July 21, 2025

PASSED 2<sup>nd</sup> READING:

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Thomas L. Guidugli Jr., Mayor

ATTEST:

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Tiffany Myers, City Clerk