

SIOUX FALLS VISUAL ARTS COMMISSION
VIDEO CONFERENCE WORKING SESSION MEETING

Wednesday October 14, 2020
5:30-7:30pm

WebEx Video Conference Meeting
Sioux Falls, SD

WHEN IT'S TIME, JOIN YOUR WEBEX MEETING HERE.

MEETING NUMBER (ACCESS CODE): 146 181 7678

MEETING PASSWORD: d69EKeTbPX2

[JOIN MEETING](#)

TAP TO JOIN FROM A MOBILE DEVICE (ATTENDEES ONLY)

[+1-408-418-9388](tel:+14084189388), [1461817678##](tel:+1461817678) UNITED STATES TOLL

JOIN BY PHONE

+1-408-418-9388 UNITED STATES TOLL

[GLOBAL CALL-IN NUMBERS](#)

JOIN FROM A VIDEO SYSTEM OR APPLICATION

DIAL 1461817678@SIOUXFALLS.WEBEX.COM

YOU CAN ALSO DIAL 173.243.2.68 AND ENTER YOUR MEETING NUMBER.

JOIN USING MICROSOFT LYNC OR MICROSOFT SKYPE FOR BUSINESS

DIAL 1461817678.SIOUXFALLS@LYNC.WEBEX.COM

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE HUMAN RELATIONS OFFICE, FIRST FLOOR, CITY HALL, 224 WEST 9TH STREET, SIOUX FALLS, SD AT 367-8745 (VOICE) OR 367-7039 (TDD) 48 HOURS IN ADVANCE OF THE MEETING.

I. Call to Order & Quorum Determination

II. Welcome & Introductions

III. Public Input

IV. Review of Working Session Notes:

- a. **Wednesday September 9, 2020 Work Session notes**

V. VAC Focus

- a. **Mural Ordinance: Review of first draft**
- b. **Application for mural registration.**

VI. Announcements

a. Next VAC Meetings

- i. *VAC Regular Meetings: Tuesday, October 20, 9:00 am, City Center, 231 N Dakota Ave and Via WebEx;*
- ii. *Future VAC Work Session (if needed): November 17, 5:30 pm – 7:30 pm, DT Library Meeting Room A (If open to the public) or WebEx*

VIII. Adjournment

9/30/2020

160.005 Definitions:

Mural: A hand-painted, hand-tiled, or digitally printed work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. A *mural* does not include displays with electrical or mechanical components or a changing image art display. A mural does not contain any words or trademarks, logos or graphics advertising a business, product or service.

Original Art Murals

160.560 Purpose and Intent.

(a) These regulations relating to Original Art Murals in the City of Sioux Falls further the following purposes:

- (1) Discourage graphics that is advertising signage, and
- (2) Encouraging artistic expression and the creation of more murals;
- (3) Protect adjacent property owners;
- (4) Maintain existing murals that are a valued part of the history of the City of Sioux Falls.

(b) The City wishes to encourage the installation of murals and, at the same time, prevent murals as commercial advertising signs. Therefore, the City's mural regulations exclude commercial advertising on murals to prevent the installation of the equivalent advertising signage on a mural. This mural ordinance is intended to work in tandem with and help preserve the intent of the sign code(s) set forth Title XV of the Sioux Falls Code of Ordinances. Adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.

(c) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:

- (1) That the design, construction, installation, repair and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.
- (2) That the regulations will provide reasonable protection to the visual environment by controlling the minimum improvement and maintenance of the displays.
- (3) That consideration will be given to equalizing the opportunity for messages and artistic expression to be displayed.

(4) That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.

(5) To provide registration requirements for Murals as defined by this ordinance.

160.561 Original Art Mural Minimum Improvement and Maintenance

Standards. An Original Art Mural that meets all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:

- (a) To preserve public order and protect human dignity, a mural artwork may not include displays that incite violence or prejudicial actions against groups or individuals on the basis of their membership in the group, or which disparage or intimidate a group of individuals on the basis of their membership in the group.
- (b) No part of a mural shall exceed the height of the structure to which it is tiled, painted or affixed.
- (c) No part of a mural shall extend from the plane of the wall upon which it is tiled, painted or affixed.
- (d) No mural, except for murals consisting completely of paint, shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors and vents. Notwithstanding the foregoing, a mural consisting of paint or any other material permitted under this Section may be placed on roll down security doors on a commercial or industrial building.
- (e) Surfaces should be prepared to allow the mural to withstand the outdoor climate of Sioux Falls South Dakota. Murals materials may not create environmental pollution due to flaking or chipping over time. Surface sealant is recommended.
- (f) The property owner is responsible for the mural maintenance, and shall coordinate repairs to the mural as necessary, including but not limited to removal of graffiti per section 132.003 of the SFCO.

160.562 Original Art Mural Registration.

(a) **Administrative Rules.** The Director of Department of Planning and Development Services is authorized and directed, as in section 160.690 to administer the mural registration, and may adopt Mural Administrative Rules to implement this section. The administrative rules shall include an application to identify and describe proposed original art mural and its location on the structure. The applicant for the original art mural registration shall be the property owner.

(b) **Neighbor Involvement.** The Mural Ordinance Administrative Rules to be adopted by the Director of Planning and Development Services may include a neighbor involvement rule. Specifically, the rule shall include a requirement that an applicant for mural provide a notice of the approved mural registration to the adjacent neighbors including those across the street, prior to the installation of the mural. No mural shall be installed until the applicant has completed this neighbor involvement requirement. This is a procedural requirement only and the Director of Planning and Development shall at all times retain sole authority to approve or deny an application for a mural based on the criteria in Section 160.561 of the Sioux Falls Code of Ordinances and any Mural Ordinance Administrative Rules promulgated by the Department of Planning and Development Services. Further, in no event will a registration of a mural be granted or denied based upon the content of the mural.

(c) **Change of Ownership.** Upon a change of ownership of the property to which an Original Art Mural is affixed, a new owner may, at the owner's election and without the need for permission from the City of Sioux Falls, de-register the mural with the Planning and Development Services department.

(d) **Grandfathering of Vintage Original Art Murals.** Any Vintage Original Art Mural installed prior to the effective date of this section, shall have legal nonconforming status and, notwithstanding any provision to the contrary, not require registration under this Section. But a Vintage Original Art Mural which has not gained legal nonconforming status through law other than this section, cannot qualify for legal nonconforming status under this section if it consists or contains any of the following: electrical, mechanical or kinetic components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).

160.578 Prohibited Signs.

(b) *Painted wall signs.* Painted wall signs shall be prohibited except that existing signs may remain, provided the signs are maintained. Signs that are not maintained shall be removed or renovated within 60 days upon notice.

DRAFT

**Mural Registration Application
City of Sioux Falls**

Application Date: _____

PROPERTY GENERAL LOCATION OR ADDRESS

MURAL LOCATION DESCRIPTION:

Attachments: Copy of the artwork (photo, sketch or printed)

Contacts:

APPLICANT/Owner

FIRST & LAST NAME OF CONTACT PERSON (Person who will pick up the plat)

MAILING ADDRESS

City, State, Zip

TELEPHONE NUMBER

EMAIL ADDRESS

Indicate Contact Preference with *

Artist Information

COMPANY NAME

FIRST & LAST NAME

MAILING ADDRESS City, State, Zip

TELEPHONE NUMBER

EMAIL ADDRESS (NO GENERAL E-MAILS PLEASE)

Received by _____

Approval Date _____

To the Visual Arts Commission
City of Sioux Falls
Sioux Falls, SD 57117

**Visual Arts Commission
Public Art Presentation Form
City of Sioux Falls**



Presenter's Name(s) _____ Date _____

If applicable, Donor Name(s) _____ Date _____

Contact Person Name _____ Date _____

Address _____
City _____ State _____ Zip _____

Telephone (h) _____ (w) _____ (Cell) _____

Email _____

Artist Name _____ Date _____

Address _____
City _____ State _____ Zip _____

Telephone (h) _____ (w) _____ (Cell) _____

Email _____

Artwork

Title _____

Height _____ Width _____ Length _____ Weight _____

Media _____ Approximate value \$ _____

Proposed location _____ Permanent or Temporary

If temporary, please define exact time frame _____

Project completion time frame _____

Please address the following evaluation criteria for the proposed permanent artwork placement on City-owned property:

- 1) **Appropriateness**—How is the content or obvious symbolism of the proposed piece of artwork appropriate for those who will view the art, and is it within the context of the site where it will be viewed?
- 2) **Relevance**—Does the artwork seem particularly relevant to the place where it will be displayed or the public who will view it?
- 3) **Site plan**—Does the scale of the artwork fit appropriately within and complement and/or enhance the physical location where it will be placed?
- 4) **Installation cost**—Are there any/significant costs associated with the installation of the artwork at the proposed site?
- 5) **Safety/security**—How will the artwork be well-protected from potential theft and vandalism, and how will it be properly secured to ensure the safety of those around the artwork?
- 6) **Visibility/impact**—Does the proposed location offer high visibility and/or impact to the public?
- 7) **Need**—Does the organization or location where the artwork will be placed have the means and/or ability to procure artwork through other approaches? Are we serving locations and audiences deemed in greatest need?
- 8) Is this art piece being donated to the City of Sioux Falls?
- 9) Artwork concept/history/context:
- 10) Installation; e.g., responsible party, method, and equipment requirements:
- 11) Are City support services needed; e.g., utilities maintenance requirements, lighting, etc.?

Please attach Artist(s) résumé, qualifications, references:

I/we declare this art proposal is my/our original intellectual property.

Name(s) _____ Date _____

Please attach one 8" x 10" illustration or photograph of the proposed artwork to be kept on file.

Return the completed form to: Visual Arts Commission, c/o City Planning Office, 224 West Ninth Street, P.O. Box 7402
Sioux Falls, SD 57117-7402