



## **SIoux FALLS VISUAL ARTS COMMISSION VIDEO CONFERENCE MEETING**

May 19, 2020  
9 a.m.

### **WHEN IT'S TIME, JOIN YOUR WEBEX MEETING.**

MEETING NUMBER (ACCESS CODE): 961 213 485

MEETING PASSWORD: xRBV5BDvB48

### **JOIN MEETING**

#### **JOIN BY PHONE**

TAP TO CALL IN FROM A MOBILE DEVICE (ATTENDEES ONLY)

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

[GLOBAL CALL-IN NUMBERS](#)

#### **JOIN FROM A VIDEO SYSTEM OR APPLICATION**

DIAL [961213485@SIOUXFALLS.WEBEX.COM](tel:961213485@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 [961213485.SIOUXFALLS@LYNC.WEBEX.COM](tel:961213485.siouxfalls@lync.webex.com)

Staff Liaisons: Russ Sorenson: 367-888 [rsorenson@siouxfalls.org](mailto:rsorenson@siouxfalls.org)

Shawna Goldammer: 367-8692 [sgoldammer@siouxfalls.org](mailto:sgoldammer@siouxfalls.org)

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### **MEETING AGENDA**

- ITEM 1. Call to Order and Quorum Determination
- ITEM 2. Welcome Members and Guests
- ITEM 3. Approval of Regular Agenda
- ITEM 4. Approval of Minutes from March 11, 2020 Meeting
- ITEM 5. Public Input on Non-Agenda Items (*Chairperson*)  
(*5-minute comment period per individual*)

Visual Arts Commission  
Regular Meeting Agenda  
May 19, 2020  
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ITEM 6. Unfinished Business - None

ITEM 7. New Business

- a) REVIEW & DISCUSS Proposed Mural Ordinance
  
- b) Visual Arts Commission Projects - Updates
  - 1) Arts Task Force;
  - 2) Final Public Art Integration Document Submitted to Director of Planning and Arts Task Force Facilitator;
  - 3) Carver Gallery Plaque Installed;
  - 4) SculptureWalk 2020;
  - 5) Storm Sewer Painting Project 2020,
  
- c) Sioux Falls Arts Council Updates  
Presenter(s): Michael Jamison, Kellen Boice, Angelica Mercado —  
Sioux Falls Arts Council
  - 1) City Hall Revolving Art Program
  - 2) Other?

ITEM 8. Other Business

ITEM 9. Announcements

- a) Next Meetings
  - 1) Regular Meeting—Tuesday, June 16, 9 a.m., Video Conference Meeting

ITEM 10. Adjournment

Posting: 5/14/2020

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 NINTH STREET, SIOUX FALLS, SD, AT 367-8745 (VOICE) OR 367-7039 (TDD) 48 HOURS IN ADVANCE OF THE MEETING.

4/23/2020  
SG, RS

## Proposed Mural Ordinance

### Registration

(b) **Original Art Mural Registration.**

(1) **Authority.** The Department of Planning and Development Services shall have the authority to determine that an application for an Original Art Mural or Vintage Original Art Mural meets all of the applicable registration requirements as established in the Mural Ordinance Administrative Rules.

(2) **Administrative Rules.** The Director of Department of Planning and Development Services is authorized as in section 160.690 (a) (1) & (2) and directed to adopt Mural Ordinance Administrative Rules implementing this section.

(3) **Neighborhood Involvement Requirement.** The Mural Ordinance Administrative Rules to be adopted by the Director of Planning and Development Services shall include a neighborhood involvement requirement. Specifically, the rules shall include a requirement that an applicant for mural approval send notice of that application to the Neighborhood association which has jurisdiction over the area of the City in which the proposed mural will be installed at least 45 days prior to the Department registering the mural. No mural shall be registered until the applicant certifies that he or she has completed this neighborhood involvement requirement. This is a procedural requirement only, and the Director shall at all times retain sole authority to approve or deny an application for a mural based on the criteria in Section 160.xxx 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 registration of a mural be granted or denied based upon the content of the mural.

(4) **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.

(c) **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 of this Section 160.xxx 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 160.xxx cannot qualify for legal nonconforming status under this Section 160.xxx 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).

4/23/2020  
SG, RS

## Proposed Mural Ordinance

### Regulations

(d) **Original Art Mural Regulations.** An Original Art Mural that meets all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:

(1) The mural shall remain in place, without alteration, for a minimum period of two years. "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. "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 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. A mural may be removed within the first two years of the date of registration under the following circumstances:

- (i) the property on which the mural is located is sold; or
  - (ii) the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
  - (iii) the property undergoes a change of use authorized by the Department of Building and Safety.
  - (iv) the owner of a mural may request permission from the Planning and Development Services Department to remove a mural prior to the expiration of the two year period, which the Department may grant upon making a finding that the continued maintenance of the mural is not feasible and that the early removal of the mural is not in furtherance of off-premise commercial advertising.
- (2) No part of a mural shall exceed the height of the structure to which it is tiled, painted or affixed.
- (3) No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted or affixed.

- (4) No part of a mural shall exceed a height of 100 feet above grade.
- (5) No mural may consist of, or contain, 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).
- (6) 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.
- (7) No mural shall be placed on a lot that is improved with only one single-family residential structure and accessory structures. Notwithstanding the foregoing, a mural may be placed on a lot that is developed with only one single-family residential structure and accessory structures if the lot is located within the boundaries of the Central Sioux Falls City Council District, as defined by Sioux Falls Ordinance No. XXX. The mural regulations set forth in this Section are permissive. Thus, murals are only allowed as authorized by this Section. Any murals that are not so authorized are prohibited.
- (8) No mural shall be arranged and illuminated in a manner that will produce a light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.
- (9) Digitally printed image murals shall receive approval from both the Sioux Falls Fire Rescue Department and Planning and Development Services, Building Services Division.

4/23/2020

## Proposed Mural Ordinance

SG, RS

### Definitions:

#### *New/Proposed*

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.

#### *Existing*

#### **160: Zoning**

Sign: Any object, device, display or structure, or part thereof, situated outdoors or visible from outdoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition does not include national or state flags or their emblems or insignia, interior window displays, athletic scoreboards or the official announcements or signs of government.

Sign, Mural: A sign painted directly onto the surface of a building wall with no words or graphics advertising a business, product, or service.

#### **154.057: Visual Arts Commission**

Visual Art: A tangible creation by an artist exhibiting skill and aesthetic principles, including, but not limited to, paintings, sculptures, stained glass, engravings, statues, bas-reliefs, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains.

### **Purpose.**

VAC Meeting Notes: *protect adjacent property owners; support artists and the creation of more murals; and include clear standards to distinguish between signage/advertising and art.*

(1) These regulations relating to Original Art Murals in the City of Sioux Falls further the following purposes: (1) encouraging artistic expression; (2) fostering a sense of pride; (3) preventing vandalism at mural sites through the installation of murals that vandals are reluctant to disturb; and (4) preserving existing murals that are a valued part of the history of the City of Sioux Falls

(2) The City wishes to encourage the installation of murals and, at the same time, prevent the proliferation of off-premise commercial advertising signs. Therefore, the City's mural regulations exclude commercial advertising on murals to prevent the

installation of the equivalent of an off-premise commercial sign on a mural. This restriction on commercial advertising is intended to work in tandem with and help preserve the intent of the off premise sign overlay district set forth in Section 160.XXX of the Sioux Falls Code of Ordinances.

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

- (i) That the design, construction, installation, repair and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.
- (ii) That the regulations will provide reasonable protection to the visual environment by controlling the size, height, spacing and location of such displays.
- (iii) That the public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated without having to endure visual blight and traffic safety impacts that would be caused by such displays that are not reasonably and appropriately regulated.
- (iv) That consideration will be given to equalizing the opportunity for messages to be displayed.
- (v) That adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.
- (vi) That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.
- (vii) To provide registration requirements and regulations for Original Art Murals as defined by this ordinance.