

## Draft Definition of Public Art

**Public Art** - Public art is a general term for forms of community expression. Public Art may be located in the public domain (rights-of-way), or on private property yet available for community viewing. Public art may be cast, carved, built, assembled, or painted, and include murals, sculpture, memorials, integrated architectural or landscape architectural work, painting, tapestry, mosaics, ceramics, stained glass, community art, digital new media, Earthworks, assemblage, installation art and performance. Installations may be transient or permanent.

Public Art placed in the right-of-way is not subject to zoning review, but follows a separate process through Burlington City Arts relative to funding, acceptance, placement, rights, agreements and maintenance. (Reference is made to *Art in Public Places: Guidelines and Policies*.)

Public Art placed on private property is not subject to a zoning permit; however must observe the following:

- a. The installation meets applicable building code for wind load, structural stability, mounting and any anchoring, to protect public health and safety;
- b. The specific installation shall not be insulting, threatening based on characteristics that are protected under antidiscrimination laws, represent hate, violence, or direct personal insults that are so offensive they're likely to provoke violence;
- c. If mounted on a historic structure, shall be installed so as to avoid damage to historic materials and shall be removable without causing permanent damage or diminish the integrity of the structure. If mounted to a masonry building, the fasteners shall penetrate mortar rather than masonry units so as to be repairable.
- d. Within the Form Districts, the proposed art may not cause or increase any non-conformity to required dimensional standard under Section 14.4.13, *Urban Design Standards* (including, but not limited to Façade voids, transparency of glazing) nor under Section 14.3.13 *Shopfront* (Ground floor façade voids.)