

# Chapter 162: Art in Public Places City initiated Text Amendment P21-141

City Council Meetings  
October 25, 2021 and November 8, 2021



# Chapter 162 - Art in Public Places

- Establishes the public art requirements for private development and city public works projects.
- All private development meeting the applicability requirements is subject to a public art assessment of one percent of the total dollar amount of a project's total construction costs.
- There are three methods available for development projects to satisfy the City's public art requirements.



# Sec. 162.08. - Public Art Assessment for Private Development

- Option 1. On-site Artwork. A work of art valued in an amount not less than one percent (1%) of the total construction costs. If a local artist will be commissioned to provide a work of art, the value of the work of art cannot be less than ninety percent (90%) of one percent (1%) of the total construction costs; or
- Option 2. Contribute to Fund. Contribute an amount equal to eighty percent (80%) of one percent (1%) of the total construction costs to be paid in full prior to the issuance of a certificate of occupancy; or
- Option 3. On-site Artwork and Contribute to Fund



# Proposed Text Amendment

- Option 4. Alternative Equivalent Proposal. Submit an alternative equivalent proposal to the planning and zoning director:
- The proposal shall be for installation of freely accessible work of art on City public right-of-way, on property owned by other public agencies, or on another property under the control or ownership of the developer. The proposal may seek combination of the public art assessment associated with multiple projects into one larger work of art in lieu of several small works of art.



# Proposed Text Amendment

- Must demonstrate that the cost of the proposal will equal the cost of the public art contribution for all projects associated with the alternative equivalent proposal
- The City may approve the alternative equivalent proposal if it finds that:
  - The proposal will further the purposes of this chapter.
  - *the proposed location of the alternative equivalent proposal is in reasonable proximity to the location of the site(s) generating the work of art requirement, in order to avoid clustering of all public art in one location.*
  - The cost of the proposal will be equal to or greater than the cost of the public art assessment that would otherwise be required.



# Proposed Text Amendment

- The developer and/or owner has established to the satisfaction of the City that the alternative equivalent proposal will create freely accessible public art in the City to an equal or greater extent than installation of the public art on the individual project site or a contribution to the Fund.
- In approving a proposal, the City may impose reasonable conditions of approval requiring the developer to enter into agreements with the City or other public agencies or private parties in order to memorialize the legal obligations of all parties involved with the alternative equivalent proposal.



# Recommendation

- The proposed amendment was recommended for approval by the Public Art Advisory Board at their meeting on August 16, 2021 following review and comment.
- Planning and Zoning Board recommend approval of the proposed amendment at the October 5, 2021 Planning and Zoning Board meeting.

