

Attachment 3-A

North Port Public Art Requirements

Sec. 59-5. - General requirements.

- A. Existing developments shall be required to adhere to these public art regulations pursuant to subsection (B) below if the existing development is substantially improved or enlarged.
- B. All new developments that exceed two hundred fifty thousand dollars (\$250,000.00) in construction value to a multi-family, mixed-use or commercial building shall be required to do one (1) of the following:
 - (1) Contribute an amount equal to one-half (½) of one percent (1%) of the first fifty million dollars (\$50,000,000.00) in construction cost for the project for a maximum contribution of two hundred fifty thousand dollars (\$250,000.00) to the City Public Art Account.
 - (a) When a project is to be constructed in phases, the maximum contribution pursuant to this section shall be two hundred fifty thousand dollars (\$250,000.00) for the entire phased project.
 - (2) Provide public art or public works of art on the development site provided that:
 - (a) The value of such public art or public works of art shall be equal to or greater than one-half (½) of one percent (1%) of the construction costs for the project if the construction costs are less than fifty million dollars (\$50,000,000.00). The value of such public art or works of art shall be at least two hundred fifty thousand dollars (\$250,000.00) if construction costs are fifty million dollars (\$50,000,000.00) or more; and
 - (b) Such public art or public work of art shall be approved by the City Staff prior to placement on the site. The City Staff shall be authorized to approve proposed public art or public work of art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art or a public works of art be in existence and subject to examination at the time of its approval by the City Staff.
 - (c) Provided, however, that buildings or portions of buildings that include attainable housing units as defined by the City Commission, shall not be required to conform to the requirements of this section.
 - (d) Provided, however, that building permits for individual housing condominium units shall not be required to conform to the requirements of this section.
 - (e) Provided, however, that the County shall not be required to conform to the requirements of this section so long as the County provides public art, upon the construction of its public buildings, in conformity with the County public art program and so long as the public art proposed by the County is approved by the Board of County Commissioners after receiving and considering the comments and recommendations of the City Public Art Committee.
 - (f) All works of public art located on private parcels shall be installed outside of any and all buildings and completely visible from the adjacent public right-of-way.
 - (3) To provide public art or public works of art in a public place on a lot or parcel other than the lot or parcel proposed for development provided that:

- (a) The value of such public art or works of art shall be equal to or greater than one-half ($\frac{1}{2}$) of one percent (1%) of the construction costs if the construction costs are less than fifty million dollars (\$50,000,000.00). The value of such public art or works of art shall be at least two hundred fifty thousand dollars (\$250,000.00) if construction costs are fifty million dollars (\$50,000,000.00) or more; and
 - (b) Such public art or public work of art is approved by City Staff or City Commission, prior to placement on the site. The site for the placement of public art shall be approved by the City Commission pursuant to paragraph (c) below. The City Staff shall be authorized to approve proposed public art or public works of art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art or a public work of art be in existence and subject to examination at the time of its approval by the City.
 - (c) Such public art or public works of art is located in a public place off the development site which is approved by the City Commission after receiving the recommendation of the Public Art Committee.
- (4) All works of art provided in accordance with subsections (2) and (3) above and located on private property shall be and remain the sole property of the private land owner. The private property owner shall also have the sole responsibility for maintenance and insurance of such works of art. All works of art provided in accordance with subsection (3) above and located on city owned property shall be and remain the sole property of the city.
 - (5) Any property owner may choose to dedicate the public art or public works of art to the City, the land upon which the art is placed shall also be dedicated to the City. The dedication shall be approved by the City Commission prior to the City taking over maintenance and insurance.
 - (a) If a property owner chooses to dedicate the public art or public works of art to the City, an access easement shall be granted to the City.
 - (b) The City has the right to accept or reject the dedication of public art and the land upon which the art is placed.
 - (c) If the City agrees to accept the dedication of public art and the land upon which the art is placed, the property owner shall transfer the property and title to the land and the public art to the City by legal apparatus.
 - (6) The above requirements shall not be applied to public buildings in the event the source of funding or other statute or regulation applicable to the development project prohibits art as an object of expenditure of funds.

Attachment 3-B

Homestead Public Art Requirements

Sec. 32-38. - Applicability.

- (a) All development projects, as defined in section 32-31 of this article, with a project cost as provided for under the development order or building permit(s), which exceeds one million dollars (\$1,000,000.00) shall be subject to the provisions of this article.
- (b) A single-family home (including interior and/or exterior modifications, additions or new construction) exceeding a project cost of one million dollars (\$1,000,000.00) shall also be subject to the provisions of this article. All interior, exterior modifications, additions, or new construction to a single residential unit (versus developments for commercial sale of three (3) or more residential units) with a project cost under one million dollars (\$1,000,000.00) shall be exempt from the requirements of this article.
- (c) The city council may exempt the following from the public art program:
 - (1) The project consists of the reconstruction of structures which have been damaged by fire, flood, wind, or other natural disaster.
 - (2) Schools.
 - (3) Churches or places of worship.

(Ord. No. 2010-04-11, § 2, 4-19-10; Ord. No. 2011-10-19, § 2, 10-19-11; Ord. No. 2012-03-02, § 2, 3-21-12)

Sec. 32-39. - Building permits.

- (a) Prior to issuance of a final building permit, the applicant or developer for projects subject to this article shall be required to comply with one of the following:
 - (1) *In-lieu public art fee.* Pay one-half of one (0.5) percent of the cost of the proposed development project, not to exceed one hundred thousand dollars (\$100,000.00), as an "in lieu" public art fee; or
 - (2) *Donation of public art.* Donate art which has been approved by the PAC and city council, having a documented minimum value of one-half of one (0.5) percent of the cost of the development project excluding land acquisition and off-site improvement costs; or
 - (3) *Placement of art on site.* Place art on site, which shall have a minimum value of one-half of one (0.5) percent of the cost of the proposed project excluding land acquisition and off-site improvement costs, not to exceed one hundred thousand dollars (\$100,000.00). The owner shall provide documentation to the city that the art fee has been deposited into an escrow account for said purpose prior to the issuance of a building permit. Prior to placement on the development site, the art must be approved by the PAC and city council and conform to the adopted public art guidelines.
- (b) If the art is to be placed on site, the owner shall be given up to nine (9) months after issuance of the building permit to obtain approval of the proposed placement of art from the city council, unless the

council grants an extension for good cause as determined in their sole discretion. If no such approval is obtained within the time period, the city shall require transfer of required art fee funds to the fund.

- (c) The owner shall be given up to nine (9) months after the issuance of a certificate of occupancy to install the art, as approved by the city council in accordance with adopted public art program guidelines. The council may grant one additional six-month extension for good cause as determined in its sole discretion. If no installation occurs within the required time period, art fee funds shall be transferred from the escrow account to the fund.

(Ord. No. 2010-04-11, § 2, 4-19-10; Ord. No. 2011-10-19, § 2, 10-19-11)

Sec. 32-42. - Art provided in lieu of a public art fee.

Art that is placed on private property in lieu of a public art fee, or that is donated to the city in lieu of a public art fee, must qualify as art under this article and the public art master plan and public art guidelines, as may be amended from time to time. Public art shall be operated and maintained at all times in substantial conformity with the public art master plan and public art guidelines, and the terms of the approval and acceptance of the art by the city council.

(Ord. No. 2010-04-11, § 2, 4-19-10)

Attachment 3-C

Sarasota Public Art Requirements

Sec. VII-701. - Public art required.

It is the intent and purpose of this division to further the commitment of the city to the aesthetic enrichment of the community through the private and public acquisition of works of art so that citizens and visitors to the city will be afforded an opportunity to enjoy and appreciate works of art. The requirements of this division shall be construed to promote the aesthetic values of the entire community, to encourage the preservation and protection of public art.

Any property owner or developer who applies to the city for a building permit to construct or make improvements that exceed \$1,000,000.00 in construction value to a multi-dwelling structure, mixed use development or commercial building or non-residential portion of a mixed use building located in the city, shall be required to do one of the following:

- (1) Contribute an amount equal to one-half of one percent of the construction cost for the project to the city public art fund established by section VII-704 of this division. The word "project," as used herein, shall mean the improvements that are authorized by the issuance of a single building permit.
- (2) Provide public art on the development site provided that:
 - a. The value of such public art shall be equal to or greater than one-half of one percent of the construction costs for the project. The word "project," as used herein, shall mean the improvements that are authorized by the issuance of a single building permit.
 - b. Such public art is approved by the public art committee hereinafter established prior to the placement on the site. The public art committee shall be authorized to approve proposed public art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art be in existence and subject to examination at the time of its approval by the public art committee.
 - c. Provided however, that buildings or portions of buildings (based on square footage) that include dwelling units designated for households with an income at or below 120 percent of the Area Median Income (AMI) in the North Port-Sarasota-Bradenton MSA for a period of at least 30 years shall not be required to conform to the requirements of this section.

As a condition of the exemption from conformity to the requirements of this section VII-701 pursuant to this subsection c, an agreement between the developer/landowner and the City of Sarasota shall be recorded in the Official Records of Sarasota County. The agreement shall provide that a buyer or a renter of a dwelling unit designated for households with an income at or below 120 percent of the Area Median Income (AMI) shall not have a household income greater than the income range designated for the unit that is specified in the agreement. The agreement shall further provide that a dwelling unit designated for households with an income at or below 120 percent of AMI shall have an appreciation limit applicable upon resale and that a rental unit designated for households with an income at or below 120 percent of the AMI shall be monitored for rent levels for 30 years. The agreement shall also provide for monitoring of occupant income levels for a period of 30 years.

- d. Provided however, that building permits for individual condominium units shall not be required to conform to the requirements of this section.
 - e. Provided however, that the county shall not be required to conform to the requirements of this section so long as the county provides public art upon the construction of its public buildings in conformity with the county public art program and so long as the public art proposed by the county is approved by the board of county commissioners after receiving and considering the comments of the city public art committee.
 - f. Provided however, that the city shall not be required to conform to the requirements of this section so long as the city provides public art upon the construction of its public buildings in conformity with the city public art program and so long as the public art proposed by the city is approved by the city commission after receiving and considering comments and recommendations of the city public art committee.
 - g. All works of art located on private parcels shall be installed outside of any and all buildings and shall be completely visible from the adjacent public right-of-way.
- (3) To provide public art in a public place on property other than the zoning lot proposed for development provided that:
- a. The value of such public art shall be equal to or greater than one-half of one percent of the construction costs for the project. The word "project", as used herein, shall mean the improvements that are authorized by the issuance of a single building permit.
 - b. Such public art is approved by the city commission after receiving the recommendation of the public art committee prior to the placement on the site approved by the city commission pursuant to paragraph c. below. The city commission shall be authorized to approve proposed public art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art be in existence and subject to examination at the time of its approval by the public art committee.
 - c. Such public art is located in a public place off the development site which is approved by the city commission after receiving the recommendation of the public art committee.

All works of art provided in accordance with subsection (2) above or provided in accordance with subsection (3) above and located on private property shall be and remain the sole property of the private land owner. The private property owner shall have the sole responsibility for maintenance and insurance of such works of art. All works of art provided in accordance with subsection (3) above shall be and remain the sole property of the city.

(Ord. No. 02-4357, 4-29-02; Ord. No. 04-4534, § 3, 6-7-04; Ord. No. 06-4663, § 2, 3-20-06; Ord. No. 10-4927, § 2(att. 1), 2-22-11; Ord. No. 17-5208, § 1, 8-21-17; Ord. No. 19-5290, § 1, 10-7-19)

Attachment 3-D

Tampa Public Art Requirements

Sec. 27-201. - Public art requirements.

- (a) *Purpose.* The purpose of the public art requirements is to:
 - (1) Increase the presence of art in the Channel District, visible to the general public;
 - (2) Ensure that art can be enjoyed by the general public; and,
 - (3) Support the promotion of the Channel District as a vital cultural component of the Center City.
- (b) *Requirements.*

| PUBLIC ART (Also refer to sec. 27-201.1) | | | |
|--|--------------|---|--|
| Required Contribution Rate | Maximum Fee | Benchmark to Pay Fee | Public Art Fund |
| Required for New Construction Only: 0.75% × total project development cost | \$200,000.00 | Prior to issuance of certificate of occupancy | Fund consists of all payments for public art requirements within the Channel District (CD) |

- (c) *Public art fund.* A public art fund shall be created and shall consist of all payments for public art requirements within the Channel District (CD). The public art fund shall be used solely for the selection, acquisition, installation, maintenance, and insurance of public art to be displayed on public property in the Channel District, unless otherwise agreed by mutual agreement of a private property owner and the City to be placed on private property (subject to section 27-201.1). Refer to chapter 4, city code.
- (d) *Maintenance of public art on private property and maintenance covenant.* Refer to section 27-201.1. (Ord. No. 2017-43, § 5, 3-16-2017)

Attachment 3-E

Coral Springs Public Art Requirements

Sec. 606. - Art fee for development and redevelopment.

- (a) All development, redevelopment, remodeling or converting greater than twelve thousand five hundred (12,500) square feet in gross floor area which are in non-residential districts, or in mixed use or multi-family districts on plots greater than one (1) acre as of the effective date of this section, shall participate in the public art program. When construction is phased, the aggregate gross square footage of the entire project or development shall be added together to determine whether the twelve thousand five hundred (12,500) square foot threshold is reached.
- (b) Owners have the choice of participating in the public art program as follows:
 - (1) The owner of a development may pay forty cents (\$0.40) per square foot of estimated gross floor area as an art fee to the city's public art fund prior to the issuance of a building permit. Owners who are remodeling or converting may pay twenty cents (\$0.20) per square foot of estimated gross floor area being remodeled or converted as an art fee to the city's public art fund prior to the issuance of a building permit; or
 - (2) The owner of a development may provide artwork on the development site equal to or greater than fifty cents (\$0.50) per square foot of estimated gross floor area for the development. Owners who are remodeling or converting may provide artwork on the development site equal to or greater than twenty-five cents (\$0.25) per square foot of estimated gross floor area being remodeled or converted as an art fee to the city's public art fund prior to the issuance of a building permit.
 - a. The owner shall provide documentation to the city that the art fee has been deposited into an escrow account for said purpose prior to the issuance of a building permit.
 - b. Prior to placement on the development site, the artwork must be approved by the public art committee and conform to adopted public art guidelines. The guidelines include a requirement that the artwork be accessible and readily visible to the public based on location of artwork and normal traffic of vehicles/pedestrians in the proposed location.
 - c. A minimum of seventy-five (75) percent of the total value of the art requirement shall be placed in areas that are clearly visible from the public sidewalk or public space.
 - d. The owner shall be given up to six (6) months after issuance of the building permit to obtain approval of the proposed artwork from the public art committee, unless the committee grants an extension for good cause as determined in their sole discretion. If no such approval is obtained within the time period, the city shall require transfer of aforementioned funds to the public art fund.
 - e. The owner shall be given up to six (6) months after the issuance of a certificate of occupancy to install artwork, as approved by the public art committee in accordance with adopted public art program guidelines unless the committee grants an extension for good cause as determined in their sole discretion. If no installation occurs within the time period, said funds shall be transferred to the public art fund.
- (3) Prior to the issuance of the certificate of occupancy, any discrepancy between estimated gross floor area and actual gross floor area must be reconciled. The reconciliation may include an additional art fee contribution or a refund.

- (4) The contributions referenced in this section are calculated in 2003 dollars and shall be adjusted by the Consumer Price Index on an annual basis.

(Ord. No. 2003-114, § 2, 11-18-03)

Attachment 3-F

Naples Public Art Requirements

Sec. 46-42. - Public art.

- (a) *Purpose.* It is the intent and purpose of this section to further the aesthetic enrichment of the city through the private and public acquisition of works of art. The requirements of this section shall be construed to promote the city's aesthetic values, and to encourage the preservation and protection of works of art.
- (b) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Established fee means the fee determined by resolution of the city council and reflected in Appendix A, fees and charges schedule of the Code of Ordinances.

Public art means original works of art that are accessible to the public and which may possess functional as well as aesthetic qualities. Public works of art may include the production of permanent, innovative, tangible objects including but not limited to: paintings, sculptures, mosaics, engravings, carvings, mobiles, murals, collages, fountains (if of unique design), bas-reliefs, dedicated public space (such as plaza surfaces), and site specific installations.

Public art does not mean:

- (1) Directional elements such as signage except where these elements are integral parts of the original work of art or are executed by artists in unique or limited editions;
- (2) Art objects which are mass produced of standard design such as playground equipment or fountains;
- (3) Reproductions or unlimited copies of original art work;
- (4) Decorative or functional elements which are designed by the building architect as opposed to an artist commissioned for this purpose;
- (5) Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist; or
- (6) Architectural rehabilitation or historical preservation.

Public art fund means the fund used to record revenues and expenditures for the public art program.

Public art master plan means the enumeration of public sites for the possible placement of artwork as approved by the city council.

(c) *Applicability.*

- (1) *Non-residential construction projects.* Projects containing new, non-residential square footage shall be subject to the requirements described herein. Mixed use projects are subject to this section to the extent that non-residential square footage is included. Parking structures and other accessory uses serving an on site residential use shall not be included. Projects subject to this ordinance shall provide one of the following:
 - a. Pay the established fee into the public art fund. Under this option the fee is non-refundable.

- b. Obtain approval to acquire and install artwork on site for the proposed project. This artwork can be either an existing piece or a commissioned piece of art that is of equal or greater value than the established fee. Under this option the established fee will be held in escrow and reimbursed according to the conditions contained herein.
- (2) *Utility projects.* Utility projects that are inaccessible such as storage tanks and transformers, shall be exempt.
- (d) *Procedures.*
- (1) Pre-application meetings shall be required for projects containing new, non-residential square footage at which time the developer/owner will be provided with information, including visuals, explaining the public art requirement, process and options available to fulfill this requirement as enumerated herein.
 - (2) Where the public art is to be placed on site for the proposed project, the following procedures shall be followed:
 - a. The petitioner shall submit a proposal to the city manager for review by the public art advisory committee concurrent with or prior to an application for design review of the project. Staff shall confirm that the location of the artwork does not interfere with visibility or utilities.
 - b. The location of the artwork shall be presented to the design review board as part of the design review process. The board shall forward a recommendation regarding the location of the artwork to the public art advisory committee and city council.
 - c. Where the artwork has not been designed, the proposal shall be presented to the public art advisory committee for preliminary review. The committee will review the proposal for consistency with the standards and grant the petitioner preliminary approval or request additional information.
 - d. Once the artwork has been designed the proposal shall be presented to the public art advisory committee for review. The committee will review the proposal for consistency with the standards and forward a recommendation of approval, approval with conditions or denial to the city council. The committee may request additional information and continue the item until a final recommendation can be made.
 - e. The city council will consider both the recommendations of the design review board and the public art advisory committee and review the proposal for consistency with the standards based on the submittal provided and the testimony of the petitioner. The city council shall determine whether the proposal is approved, approved with conditions or denied.
 - (3) For all applicable projects payment of the established fee is required at the time a building permit for the project is issued. If artwork is not to be placed on site, the fee shall be directly deposited in to the public art fund.
 - (4) Where the public art is to be placed on site for the proposed project, the established fee will be placed in an escrow account and may be refunded provided that:
 - a. The artwork has been completed prior to, or within six months following the issuance of a certificate of occupancy for the project; and

- b. The artwork has been inspected by the city and determined to have been installed in accordance with the description, drawings and specifications submitted in conjunction with the approval process.
- (5) If no artwork has been completed on site within six months following the issuance of a certificate of occupancy, the fee will be forfeited and moved from the escrow account to the public art fund.
- (e) *Submittal requirements.* The following are the submittal requirements where the public art is to be placed on site for the proposed project:
 - (1) Where the artwork has not been designed the following are required:
 - a. Narrative describing the process by which the artist is to be selected;
 - b. Proposed location on the project site;
 - c. Proposed schedule for creation, completion and installation of the artwork;
 - d. Detailed cost estimate; and
 - e. Drawings and specifications reflecting the manner in which the artwork will be installed on the site. Drawings and specifications must demonstrate that the artwork will withstand normal interaction with the public as well as severe weather events.
 - (2) Where the artwork has been created, produced or rendered the following are required:
 - a. Graphic, photographic or architectural rendering of the artwork;
 - b. Narrative description;
 - c. Proposed location on the project site;
 - d. Independent appraisal; and
 - e. Drawings and specifications reflecting the manner in which the artwork will be installed on the site. Drawings and specifications must demonstrate that the artwork will withstand normal interaction with the public as well as severe weather events.
- (f) *Standards of artwork.* Artwork installed in public places shall be of exceptional quality and enduring value. The relationship of artwork and site shall be considered in terms of the physical dimensions, social dynamics, local character and surrounding urban context. All public art located on private property shall be outside of any and all buildings and be completely visible from the adjacent right-of-way. To this end, public art may be placed in the required front, side or rear yard upon a determination by the city manager that the location meets the intent of this section and does not cause a safety or visibility hazard.
- (g) *Donation or loan of public art for installation on city property.* The city council will provide initial approval of the donation or loan of works of art and, at its discretion, refer the artwork to the public art advisory committee for implementation. However, acquisition of artwork will require the approval of city council at each step in the process.
- (h) *Removal or replacement of public art.* After a work of art has been approved by the public art advisory committee and city council and installed and inspected in accordance with this section, such work of art shall be retained on site in its approved location and shall not be removed without the review and recommendation of the public art advisory committee and approval of city council after consideration of a reasonably equivalent replacement work of art.

- (i) *Additional work of public art.* After public art has been installed on a project site in accordance with this section, nothing herein shall be construed to prohibit the installation and placement of additional works of art on site.
- (j) **Use and administration of the public art fund.** A public art fund shall be established to receive all payments specified herein as well as contributions, grant funding and other monies from governmental or private sources. Any works of art purchased with the public art fund shall be and remain the sole property of the city. Expenditures from this fund may include only:
 - (1) Commissioning, acquisition, installation and maintenance of artwork on public land in the city in accordance with the public art master plan;
 - (2) Certain expenses associated with the aforesaid artwork such as: honoraria where appropriate, transportation, installation, site preparation, and construction of base and/or anchoring system;
 - (3) Insurance for public art located on property owned by the city; and
 - (4) Professional services to develop or update the public art master plan and services related to the commissioning, acquisition, installation and maintenance of artwork on public land in the city.
- (k) *Placement of artwork in public parks and open space.* The community services advisory board will be involved in the public art process when artwork is to be sited in the city parks or open spaces. Prior to a final decision as to the acceptance of any artwork in the aforementioned locations, the community services advisory board will review the artwork and site proposed and will make a recommendation to the city council.

(Ord. No. 06-11447, § 1, 11-15-2006; Ord. No. 07-11887, § 1, 12-19-2007; Ord. No. 08-12207, § 3, 10-1-2008; Ord. No. 09-12573, § 3, 12-2-2009; Ord. No. 19-14416, § 1, 11-20-2019)

APPENDIX A - FEES AND CHARGES SCHEDULE

§ 46-42. Public art fund fee.

- (1) Public art fee, per square foot \$1.00