

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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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 place 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.