

Sec. 13-143. - Public art requirement—Short title, intent and definitions.

- (a) This section shall be known and cited as the "public art requirement".
- (b) It is the intent and purpose of this article to further the commitment of the City of Coconut Creek to providing public art to beautify the appearance of the city, commemorate the city's history, and to enhance cultural opportunities throughout the city.
- (c) Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:
 - (1) "Alteration" means any change or modification in construction or occupancy.
 - (2) "Artist" or "professional artist" means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.
 - (3) "Art", "artwork" or "works of art" means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate person or an event, functional furnishings, such as artist designed seating and payers, architectural elements designed by an artist, and artist designed landforms or landscape elements. The following shall not be considered artwork or works of art for purposes of this chapter:
 - a. Reproductions or unlimited copies of original artwork.
 - b. Art objects which are mass produced.
 - c. Works that are decorative, ornamental, or functional elements of the architecture or landscape design except when commissioned from an artist as an integral aspect of a structure or site.
 - (4) "Building" means any structure that encloses space and is used or built for the shelter or enclosure of persons, businesses, chattel or property.
 - (5) "Development" means any construction, redevelopment, alteration or repair of any private or public building within the limits of the city.
 - (6) "Nonresidential construction" is the gross floor area of buildings and other structures used for non-residential purposes. For the purpose of this requirement, all parking garages, structures and decks shall be considered non-residential construction.
 - (7) "Public art fund" means a separate, interest bearing account set up by the city to receive monies for public art.
 - (8) "Repair" or "maintenance" means the reconstruction or renewal of any part of an existing building for the purpose of maintenance.

(Ord. No. 2008-008, § 2, 2-14-08)

Sec. 13-144. - Same—Applicability.

- (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 zoning districts, as of the effective date of this section, shall participate in the public art requirement. The requirements of this section shall apply to the following activities:

- (1) All nonresidential construction, alteration or repair for which a building permit is required.
 - (2) All new public construction for which a building permit is required.
 - (3) Exceptions: the requirements of this chapter shall not apply to public works and utilities projects or remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake, hurricane or other disaster.
- (b) (1) The owner of a development shall provide artwork in the development site equal 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.
- a. The owner shall provide a performance bond to the city equal to the value of the art prior to the issuance of a building permit.
 - b. Prior to placement on the development site, the artwork must be approved by the city commission as recommended by the city manager or designee. It is 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 city commission, unless the city manager grants an extension for good cause as determined in his/her 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 city commission unless the city manager grants an extension for good cause as determined in his/her sole discretion. If no installation occurs within the time period, said funds shall be transferred to the public art fund.
- (2) In lieu of providing artwork, the owner of a development shall 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. In lieu of providing artwork, owners who are remodeling or converting shall 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.
- (b) If an owner chooses to pay a public art fee, it shall be collected by the building department at the time of permit issuance.
- (c) The public art requirement shall not include any development with an approved site plan that has an effective date prior to February 15, 2008.

(Ord. No. 2008-008, § 2, 2-14-08)

Sec. 13-145. - Same—Public art fund.

- (a) There is hereby created a public art fund which shall consist of all contributions received from art

fees for development, redevelopment, renovation and repair, from public and private development, cash grants, and donations to the city for public art projects from governmental or private resources, and all other funds allocated by the city through the budgetary process for the provision of public art.

- (b) The public art fund shall be used solely for expenses associated with the selection, commissioning, acquisition, transportation, maintenance, promotion, administration, removal and insurance of the works of art or in relation thereto. Expenditures shall be authorized by the city manager or designee.

(Ord. No. 2008-008, § 2, 2-14-08)

Sec. 13-146. - Same—Art selection criteria.

The following criteria, at a minimum, shall be considered by the city manager or designee in the review and recommendation of artwork to the city commission:

- (1) Appropriateness of the artwork to the site and site environmental conditions;
- (2) Maximum visual accessibility to pedestrian or vehicular traffic;
- (3) Quality of the artwork;
- (4) Whether the artwork too closely resembles a business logo or sign.
- (5) Any other criteria set forth in the public art program guidelines, as adopted from time to time.

(Ord. No. 2008-008, § 2, 2-14-08)