

City of Sarasota
Public Art Requirements
Information Package



APPLICABILITY:

Any property owner or developer who applies to the City for a Building Permit to construct or make improvements that exceed \$250,000.00 in construction value to a multi-family, mixed-use or commercial building or non-residential portion of a mixed-use building located in the, Downtown Edge [DTE], Downtown Core [DTC], Downtown Bayfront [DTB], Commercial-Central Business District [C-CBD] zone or the Theater & Arts District [TAD] zone, or public building on Governmental Use [G] zoned property located in the Community Redevelopment Area as depicted in the Community Redevelopment Plan adopted September 22, 1986, shall be required to make a public art contribution.

EXEMPTIONS:

- Buildings or portions of buildings that include attainable housing units as defined by the City Commission shall not be required to conform to these requirements.
- Building Permits for individual condominium units shall not be required to conform to these requirements.

CONTRIBUTION OPTIONS:

For buildings **\$1,000,000 or less** total construction valuation of the building permit:

- **Make a contribution** to the Public Art Fund of one half of one percent (.005) of the construction valuation of the building permit.

For buildings **more than \$1,000,000** total construction valuation of the building permit:

- **Make a contribution** to the Public Art Fund of one half of one percent (.005) of the total construction valuation of the building permit. (Maximum contribution \$250,000).

OR

- **Provide public art, subject to approval by the Public Art Committee**, on the development site or in a public place off site, of a value of one half of one percent (.005) of the total construction valuation of the building permit. (Maximum required value \$250,000). Options for providing public art are:
 - Purchase an existing piece of art work, or;
 - Have a specific piece of art work commissioned. For commissioned work, a deposit with the NDS Department of one hundred and fifteen percent (115%) of the value of the public art is required, **prior to the issuance of a building permit.**

See Application for Public Art which states the requirements for providing art work.

DEFINITION OF PUBLIC ART:

Public art or public works of art is defined as the creative application of skill and taste **by artists** to production of permanent tangible objects according to the aesthetic principles, including but not limited to:

- ◆ paintings
- ◆ sculptures
- ◆ site specific installations
- ◆ engravings
- ◆ carvings
- ◆ frescos
- ◆ mobiles
- ◆ murals
- ◆ collages
- ◆ mosaics
- ◆ statutes
- ◆ bas-reliefs

Public art or public works of art shall also include the creative application of skill and taste **by artists** according to the aesthetic principals to the architectural embellishment of a building or structure. Architects and landscape architects **are not considered** artists under this definition.

The following **shall not be** considered public art or public works of art:

- Reproductions or unlimited copies of original art work;
- Art objects which are mass produced;
- 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; and
- Architectural rehabilitation or historical preservation.

BUILDING PERMIT APPLICATION AND APPROVAL PROCESS:

Prior to the issuance of a building permit, the Public Art Committee will review all documentation submitted by the property owner or developer, as outlined on the Application for Public Art form. The Director of NDS **will not issue** a building permit unless the public art requirement has been satisfied by:

- approval by the Public Art Committee;
- donation to the Public Art Fund; or
- deposit of 115% of the value of the required public art contribution.

Note: If funds will be placed in escrow, the following information also needs to be provided:

- a description, in writing, of the process by which the artist(s) were or will be selected;
- a proposed schedule for the creation, completion and installation of the approved art at the development site; and
- the location where the public art is to be installed.

For Applicant Choosing to Contribute to the Public Art Fund:

Complete Application Form: Prior to the issuance of a building permit, the property owner or developer completes the public art application form and submits the form and a check for the required amount (payable to the City of Sarasota) to the NDS Department.

For Applicants Choosing to Provide Public Art:

1. **Pre-Application Meeting:** Because of the many variables and time required to complete this process, the property owner or developer is encouraged to arrange a pre-application meeting with the City Staff to achieve a more efficient process. Please call Dr. Clifford Smith, Senior Planner at (941) 365-2200, Ext. 4361 to arrange a pre-application meeting and/or placement on the appropriate Public Art Committee agenda.
2. **Complete Application Form:** Complete all sections of the application and submit ten (10) copies of the application with required supplemental materials. Applications must be received two weeks prior to the Public Art Committee meeting which is normally held quarterly beginning February on the second Wednesday of the month.
3. **Public Art Committee Review:** For public art provided on the development site, the Public Art Committee will approve, deny, or request additional documentation for the proposed contribution. 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 and must be approved by the Public Art Committee to complete the review process.
4. **City Commission Review:** For public art proposed in a public place, on a zoning lot other than the zoning lot proposed for development, the City Commission must approve the proposal after receiving a recommendation from the Public Art Committee.
5. **Installation of the Art Work:** The Director of NDS **will not issue** a Certificate of Occupancy until:
 - the public art is properly installed; or
 - an extension of time of up to one year has been approved by the Public Art Committee and a deposit of 115% of the required contribution is made to the City.

If the public art has not been installed and/or the extension of time for the installation has elapsed, the deposited funds (115%) could be forfeited.

DETERMINATION OF VALUE:

Existing Art Works: The value of existing art works shall be:

- Determined by an independent appraisal or other evidence of value, such as an artist's price quote or a bill of sale. The cost of the appraisal is the responsibility of the property Owner or developer.
- Based on a bill of sale which shall be submitted to the NDS Department prior to the issuance of a certificate of occupancy.

Proposed Art Works: The value of proposed art works shall be determined by competent detailed cost estimates for fabrication and installation of the proposed work. The estimate shall only include items that the artist(s) is responsible for creating.

ONGOING RESPONSIBILITIES:

Maintenance and Insurance: The private property owner shall have the sole responsibility for maintenance and insurance of the works of public art located on their property. If the art work is donated to the City, the artist is required to submit maintenance procedures for their proposed art work for proper maintenance by the City.

Removal or Replacement: After a work of art has been approved by the Public Art Committee and/or the City Commission, such work of art shall be retained on site in its approved location and shall not be moved or removed without prior approval of the Public Art Committee and the City Commission, as required by code.

Change in Ownership: If the property is sold, these responsibilities shall be assumed by the new property owner.

FUTHER INFORMATION:

For further information, please contact Dr. Clifford Smith at NDS at (941) 365-2200, Ext. 4361.