

5.9. Public Art

A. Purpose

Public art is a priority amenity for the City of Sedona. The purpose of this Section [5.9](#) is to ensure that public art is provided for development and/or redevelopment of multifamily, mixed-use, and nonresidential properties.

B. Applicability

(1) *Generally*

Public art shall be installed pursuant to this Section [5.9](#) prior to the issuance of a Certificate of Occupancy for the following:

- a. Development of any new mixed-use and/or nonresidential building, except for industrial uses, with 5,000 square feet of gross floor area or more;
- b. Expansion of any mixed-use and/or nonresidential building, except for industrial uses, resulting in 2,500 square feet of gross floor area or more;
- c. Development of any new multifamily building(s) of 20 dwelling units or more; and
- d. Expansion of any existing multifamily residential building(s) by 10 dwelling units or more.

(2) *Exemptions*

This section shall not apply to:

- a. Federal, state, county, or city projects or structures; or
- b. Residential uses other than multifamily; or
- c. Multifamily projects that include strategies for achieving housing diversity, affordability, and availability to address local housing needs, as determined by the Director.

C. Public Art Requirement

(1) *Minimum Investment*

Applications subject to this Section [5.9](#) shall provide a minimum investment in an amount stated on file with the Community Development Department for public artwork.

(2) Public Art Installation or Cash Contribution**a. Generally**

The minimum art investment shall take the form of either an on-site installation of developer-selected exterior artwork, or, at the developer's discretion, an equivalent cash contribution to the City of Sedona Art in Public Places Fund may be made to be used for public art in the City of Sedona. A combination of the above options is also acceptable.

b. On-Site Artwork

The following on-site artworks are acceptable under this Section [5.9](#):

1. Building features and enhancements that are unique and produced by a professional artist;
2. Landscape art enhancements such as enhanced walkways, bridges, unique water, or unique art features;
3. Murals or mosaics covering walls or walkways;
4. Professional artist sculptures that can be freestanding, wall-supported, or suspended and made of durable materials suitable to the site;
5. Other suitable artworks accepted by the Director.

c. Eligible Costs

Costs that are eligible towards the minimum investment required by this Section [5.9](#) include:

1. Professional artist compensation;
2. Fabrication and installation of the artwork;
3. Site preparation;
4. Structures enabling the artist to display the artwork;
5. Documentation of the artwork;
6. Acknowledgment plaque identifying the artist and the artwork.

d. Ineligible On-Site Artworks and Costs

On-site artworks and costs not eligible for purposes of compliance with this Section [5.9](#) include:

1. Business logos;
2. Directional elements such as super graphics (large scale painted or applied decorative art typically in geometric form on walls, floors, and/or ceilings), signage, or color coding;
3. Mass produced art objects, such as fountains, statuary, playground equipment;

4. Art reproductions;
5. Landscaping or hardscape elements normally associated with the artwork;
6. Services or utilities necessary or desirable to operate or maintain artworks.

(3) Location of Public Art

Art selected by an owner or developer to be integrated on the site of the project shall be located on an exterior of the structure or the building site that is visible to the public.

D. Evaluation of Public Artwork Plans

- (1) The applicant shall submit a public artwork plan associated with the application for development and/or redevelopment or expansion demonstrating compliance with this Section [5.9](#).
- (2) All proposed artwork shall meet the applicable requirements of all other City of Sedona ordinances, this Code, and City Code.
- (3) The Director may consult with the Arts and Culture Coordinator, other city staff, or outside professional artist(s), and shall approve or deny the public artwork plan and inform the applicant in writing. The developer has the right to appeal the decision of the Director to the City Council within 15 days after the Director's decision.

E. Installation and Maintenance

- (1) Prior to issuance of a Certificate of Occupancy, the approved artwork shall be installed in accordance with approved plans, unless the Director agrees to an extension of time of up to six months. If an extension of time is granted, then prior to the issuance of the Certificate of Occupancy, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete installation of the artwork within six months of the issuance of the Certificate of Occupancy shall be deposited by the owner or developer with the City. Failure to completely install the artwork approved by the Director within the six months of the issuance of the Certificate of Occupancy shall result in forfeiture of the deposit or letter of credit and the money deposited shall be credited to the Art in Public Places Fund.
- (2) The owner of the development shall be responsible for the proper upkeep and maintenance of the artwork within the proposed development.
- (3) In the event that any artwork placed on the development as a result of this Section [5.9](#) is removed or destroyed, the owner or developer shall, within 180 days of the removal or destruction:
 - a. Replace it with artwork that meets the requirements of this Section [5.9](#) and is equal to the removed/destroyed artwork's fair market value immediately prior to its removal or destruction; or

- b. Make a cash payment to the City of Sedona Art in Public Places Fund in an amount equal to the square foot gross floor area of the development multiplied by the minimum investment requirement set forth above that is applicable at the time of the removal or destruction of the artwork.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

The Sedona Land Development Code is current through Ordinance 2019-06, passed October 8, 2019.

Disclaimer: The City Clerk's Office has the official version of the Sedona Land Development Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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