



PUBLIC ART FUND GUIDELINES

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What is the goal of the Public Art Fund Requirement of the Zoning Ordinance?

The goal of the Town of Fountain Hills' Public Art Requirement of the Zoning Ordinance is to beautify the community with a wide variety of high-quality art projects. The presence of artwork in developments creates a competitive edge by attracting people who are curious about the artwork. Residents and visitors may pause to enjoy the artwork's surprising and aesthetic delights and often return to experience it again while shopping or conducting business.

What does the Zoning Ordinance require?

The Town of Fountain Hills Public Art Requirement, established in subsection 19.05(I) in the Fountain Hills Zoning Ordinance, includes the following provisions:

- Developers of any new professional office, lodging projects, retail, service, commercial, wholesale, transportation, industrial developments, re-developments or expansion projects and multi-family projects with five or more dwelling units within the Town of Fountain Hills are required to provide public artwork. The public art must have an invoiced cost or appraised value equal to one percent of the cost of building construction, including associated site work and signage; water features (using recycled water) are preferred.
- As an alternative to providing public art, developers may make a donation to the Fountain Hills Public Art Fund in an amount equal to or greater than 1% of the cost of building construction and associated site work and signage.
- The public art requirement must be met prior to the issuance of a Certificate of Occupancy. Applicants choosing to purchase a piece of art are encouraged to submit an Initial Art Plan and meet with the Fountain Hills Public Art Committee (the "Public Art Committee") to demonstrate that the proposed development or project will comply with the ordinance. The art contribution should be approved by the Public Art Committee as being in compliance with the ordinance. Approved artwork must be installed in accordance with approved construction and landscape plans.

What on-site artworks are acceptable?

Artwork selected by the developer must be integrated with the project must be located on an exterior of the structure or the building site, be visible to the public at all times and be accessible for at least 40 hours per week. Acceptable forms of art include the following:

- All forms of limited edition or one-of-a-kind original creations of visual art created by an artist.
- Project features and enhancements which are unique and produced by a professional artist such as benches and fountains.

- Murals or mosaics covering walls.
- Professional artist sculptures which can be freestanding, wall-supported or suspended and made of durable materials suitable to the site and the climate.
- Other suitable artworks as presented in a catalogue and previously approved by the Public Art Committee.
- The location of the artwork should be in an outdoor location to allow unrestricted visibility by the public 24 hours per day. Approved sites are Town owned property, including rights-of-way, parks, Community Center/Town Hall complex or the developer's own property. Art on private property will be supported entirely by private development; the Public Art Committee will be available and facilitate the private developers' identification of art opportunities and selection of artists.
- A plaque will be placed that will identify the art and the artist.

What on-site artworks are not eligible?

- Business logos or art that incorporates a logo.
- Directional elements such as supergraphics, signage or color coding except where these elements are integral parts of the original works of art.
- Mass-produced art objects, such as fountains, statuary objects, or playground equipment.
- Reproduction by mechanical or other means of original works of art.
- Decorative ornamental or functional elements created by the project architect instead of an artist commissioned for this purpose.
- Landscape architecture or gardening except for elements designed by the artist as an integral part of the work of art.
- Electrical, water or mechanical service for activation of the works of art.
- Art exhibitions and educational activities.
- Security and publicity concerning works of art.
- Standard landscape or hardscape elements which would normally be associated with the project.

What are the eligible costs for artworks?

When preparing a budget for the artwork, certain costs may be included to meet the developer's required art investment:

- Professional artist's budget, including artist fees, materials, assistants' labor costs, insurance, permits, taxes, business and legal expenses, operating costs and art dealer's fees if such fees are necessary and reasonable.
- Fabrication and installation of the artwork, including base and/or foundation if necessary.
- Site preparation for artwork.
- Structures enabling the artist to display the artwork.
- Documentation of the artwork.
- Acknowledgment plaque identifying the artist, artwork and development.

Responsibility After Installation

- Art located on the developer's property will remain the developer's property, subject to a covenant on the part of the developer that the piece will remain in public view. It will be the developer's and subsequent property owner's responsibility to insure and maintain the piece of art. The insured value must equal the appraised value.
- Art located on Town-owned property shall be dedicated to the Town. The final location will be reviewed by the Town's Facilities Division to ensure compliance with American with Disabilities Act (ADA), if applicable, and to minimize conflicts with public utilities in Town rights-of-way. The Town will insure and maintain all pieces on Town-owned property.

Approval Process

The following checklist has been prepared by the Public Art Committee to help a you create a successful public art project. Contact the Public Art Committee should you have any questions about these guidelines.

- Initial Art Project Plan:** If the applicant chooses the option of acquiring a piece of art, it is suggested that he prepare an Initial Art Plan. Fax, mail or e-mail a one-page narrative to the Public Art Committee with the following information:

- Initial ideas for the art project.
- The required art investment.

- The artists being considered and the type of professional artist needed for this project.
- Name of professional artist, if selected.
- Developer goals for the project.
- Concepts and budget for the proposed artwork.
- Location and visibility of proposed artwork.

The Public Art Committee will notify the Planning & Zoning Department that an Initial Art Plan has been received.

If a developer chooses to contribute the required art investment to the Public Art Fund, monies must be deposited into the Public Art Fund with the Town in order to receive approval for the Certificate of Occupancy. If requested, the Public Art Committee staff will work closely with the developer to identify an appropriate use of the contribution that will benefit both the developer and the Town's Public Art Program.

- ☐ **Public Art Committee Submittal:** When the developer is ready for the proposed art project to be reviewed, he/she should contact the Public Art Committee to verify a meeting date. The Public Art Committee will review the art project plan considering comments, needs, values and these guidelines. The committee normally meets the third Monday of each month. **Please prepare five copies of the following information and submit it to the Fountain Hills Public Art Committee two weeks prior to the scheduled meeting.** A presentation will need to be given by the developer (or his/her representative) at the meeting to discuss:

- Narrative description of proposed artwork.
- Budget detailing applicable costs: artist's fees and expenses, costs for fabrication, installation, site preparation, structures to display artwork, plaque, and administrative costs.
- Agreement between the developer and artist(s).
- Scale site plan and landscape plan.
- Scale drawing or model.
- Perspective view showing the proposed artwork in the development context.

Prior to making a recommendation, the Public Art Committee will consider the following:

- 1) Is the selected artwork produced by a professional artist? The committee will review such items as the person's educational background in the arts, arts accomplishments within the past five years such as gallery or museum exhibits, and the person's recognition by accepted arts organizations as an

artist. The artist should be a practitioner in the visual arts, generally recognized by his or her critics and peers as a professional possessing serious artistic intent and ability.

- 2) Are the budget items and total amount acceptable to meet the minimum art investment for the development?
- 3) Is the proposed artwork visible to the public 24 hours each day and accessible at least 40 hours per week? The committee will review the artwork plans and its placement in regard to the public visibility and enjoyment of the artwork.

The content of the artwork is developer-selected; however, the Public Art Committee will be interested in the durability, safety, placement and visibility of the exterior art project.

- Public Art Committee Approval:** The Public Art Committee will consider the proposed artwork at its next scheduled meeting following submission by a developer. The developer and artist are not required to attend this meeting. After its review, the Public Art Committee will forward a recommendation on the proposed artwork plans to the Town's Planning and Zoning Department.
- Final Approval:** The recommendations of the Public Art Committee will be forwarded to the Planning and Zoning Department. The Zoning Administrator shall review the public Art Committee's recommendation and shall ensure that the proposed artwork will meet the public art requirements of the Zoning Ordinance before a Certificate of Occupancy is issued.
- Signed Contract:** Fax or mail a copy of the signed contract between the developer and the artist(s) to Fountain Hills Public Art Committee and the Town of Fountain Hills Planning and Zoning staff for the Town's records.
- Certificate of Occupancy:** Once the Public Art Committee and the Town's Zoning Administrator have determined that the Zoning Ordinance public arts requirements have been met, the Town may release the Certificate of Occupancy for the development project.