

Procedure for Approving Art on City Properties and Privately-Owned Commercial or Industrial Zoned Properties

Purpose

The purpose of this procedure is to outline the steps needed for reviewing and approving public art on city properties as well as any art proposed to be located on the exterior of privately-owned commercial or industrial zoned properties. The procedure and the steps to evaluate and review public art ensures conformance with community values and aesthetic standards.

Scope

The procedure applies to any art planned to be installed at any city-owned parcels (exterior and interior) or privately-owned commercial or industrial zoned property (exterior only). The art may include, but is not limited to, wall murals, sculptures, statues, mosaics, mobiles, textile art, kinetic art, and functional art (benches, bicycle racks, etc.). The procedure does not apply to any residentially-zoned parcels since these areas are predominately governed by Homeowners Association's (HOA's) and the Covenants, Conditions, and Restrictions (CC&R) that dictate what is allowable and the approval process for any private art on residential properties. For homes not within an HOA that have been zoned commercial and that are fully converted to business use, the commercial rules would apply. For those that are zoned residential and are fully converted to business use, the commercial rules will also apply.

The property owner, artist(s), or their representative will go through the following process for the art to be approved.

Art on City-Owned Parcels (Exterior or Interior)

1. **Location** – The Arts and Culture Manager will determine the location, thematic elements, and the medium for the art.
2. **Call for Artists** – A call for artists is sent out by the City with artists responding with their portfolios. The call for artists may require the applicants to submit information on eligibility requirements, such as residency, professional experience, process for community and stakeholder engagement, maintenance plans and expected lifespan of the artwork, budget, and timeline for creation and installation.
3. **Review** – The Arts and Culture Manager will review the portfolios and vet this down to a list of semifinalists.
4. **Subcommittee Review** – The Arts and Culture Manager will call a meeting of the subcommittee of the Community Services Advisory Board to review the selected portfolios and will decide on the top finalists.
5. **Contract for Preliminary Design Work**—The finalists will sign a contract for preparing a design for the project.

6. **Stakeholder and Community Input** – The finalists will prepare a draft design. The artists will obtain stakeholder and community input on how the design reflects community values. The art will then be conceptualized based on input it receives from stakeholders and community.
7. **Final Design & City Manager, Subcommittee Recommendation** – The artists will each submit a final design proposal based on feedback they received from the community. The Arts and Culture Manager will send a one page memorandum outlining the project with the rendering of the artist's final design for City Manager's office concurrence. The final design from the two artists will be presented to the subcommittee of the Community Services Advisory Board. The subcommittee will vote on which of the two designs they prefer and will then present its recommendation to the entire Community Services Advisory Board at the next meeting.
8. **Community Services Advisory Board Approval** – The chosen artist and the subcommittee will present its recommendation to the full board. The board will vote on the final design. The final design, once approved by the Community Services Advisory Board, will be shared with City leadership and Council via a memo.
9. **Contract** – The Arts and Culture Manager will develop a contract with the artist that outlines the scope of work, terms of payment and schedule, fabrication and installation timeline, maintenance responsibilities, and other requirements and stipulations. The contract will be reviewed by the City's legal team to ensure all terms are clear and enforceable.
10. **Commercial Design Review Application (Exterior Only)** – Upon issuance of an executed contract, the artist or its representative will submit a Commercial Design Review Application to the City's Development Services Department (DSD). The application will include information such as a project narrative, full color elevations, a site plan, and color & materials palette. Upon confirming that the proposal complies with any applicable requirements, City staff shall approve the application administratively.
11. **Permits** – A building permit may be needed for structural art to ensure it is safe and securely fastened or includes electricity for lighting, movement, etc. A civil permit may be required for landscape improvements, etc. If permits are needed, the artist or property owner will obtain the permits prior to installation. Engineering drawings may be required at the discretion of Development Services staff.
12. **Installation** – The artist develops the final piece of art and installs. If the chosen artist is unable to complete their design before construction begins, the other finalist will take their place.
13. **Maintenance** – The contract with the artist will have language related to maintenance responsibilities of the art, which may include a year period in which the artist is responsible for maintenance activities.

Art on Privately-Owned Non-Residential Properties (Exterior Only)

Art on privately-owned property is subject to City of Buckeye code regarding zoning, building safety and nuisance. To ensure compliance, property owners may seek approval of art on private property through the following procedure.

1. **Complete Final Design** – The property owner or their representative will work collaboratively with the artist to conceptualize the design. Property owners are encouraged to engage the community, neighbors, and stakeholders into the design of the public art.
2. **Commercial Design Review Application** – The property owner or their representative will submit a Commercial Design Review Application to the City's Development Services Department

(DSD). The application will include information such as a project narrative, full color elevations, a site plan, and color & materials palette.

3. **Development Services Staff Submits Application to Arts & Culture Manager Prior to Approval** – DSD staff will route the application to the Arts & Culture Division of the City for their review.
4. **City Manager Review**—The Arts and Culture Manager will send a one-page memorandum outlining the project to the City Manager’s Office for approval.
5. **Arts and Culture Subcommittee Review** - The application and materials will be brought to the Arts and Culture subcommittee of the Community Services Advisory Board for their review. The subcommittee will review and may make a recommendations to the Community Services Advisory Board. The board may provide details on what changes they would like to see in the proposal for the artist and property owner to receive a recommendation of approval. The Arts and Culture Manager will relay the subcommittee’s recommendation to Development Services for them to deny the Commercial Design Review Application with the details of what the subcommittee would like to see in the resubmittal.
6. **Community Services Advisory Board** – If the subcommittee moves to recommend the art to the Community Services Advisory Board, the chosen artist and the subcommittee will present its recommendation to the board. The board will vote on the final design. The final design, once approved by the Community Services Advisory Board, will be shared with City leadership and Council via a memo. If the board does not approve, details shall be provided on what changes the artist and property owner could make to receive approval.
7. **Approval**– If approved by the Community Services Advisory Board, the Arts and Culture Manager will relay the information to Development Services for them to, upon confirming that all applicable development standards and requirements are met, approve the Commercial Design Review Application. Development Services will relay the approval to the applicant and specify any permits required.
8. **Permits**– A building permit may be needed for structural art to ensure it is safe and securely fastened or includes electricity for lighting, movement, etc. A civil permit may be required for landscape improvements, etc. If permits are needed, the artist or property owner will obtain the permits prior to installation. Engineering drawings may be required at the discretion of Development Services staff.
9. **Installation**– The artist develops the final piece of art and installs. Inspections by City staff may be needed if permits were required to ensure the art meets safety and aesthetic standards.
10. **Maintenance**– Any art installed on private property will be maintained by the property owner. Any art that is not maintained in good condition may be grounds for a notice and possible citation by City Code Enforcement.

Fees for Commercial Design Review Applications

The fee for a Commercial Design Review application is \$460. This fee is reduced to \$115 (75% reduction) in the incentive district (downtown Buckeye). A copy of the Commercial Design Review application is appended to this procedure. In addition, in the three incentive areas, there is a 75% reduction in design and building permit fees.

