



Developer/Property Owner Guide to Public Art Contributions

Per the City of Sarasota Zoning Code (Sec. VII-701), any developer or property owner who applies for a building permit to construct or improve a **multi-dwelling, mixed-use, or commercial development valued at \$1,000,000 or more** must contribute to public art. This requirement supports the City's ongoing commitment to enhance Sarasota's visual landscape and cultural vitality through investment in accessible, high-quality public art.

Exemptions:

- Buildings or portions of buildings (calculated by square footage) that include **attainable housing** units.
- Building Permits for **individual condominium units**.

CONTRIBUTION OPTIONS:

Developers/Property owners may satisfy the public art requirement in one of the following ways:

➤ **OPTION 1 – Payment to the Public Art Fund**

Make a payment equal to **0.5% of the total construction valuation** (as specified on the building permit) to the City's Public Art Fund. These funds support commissioning, maintaining, and promoting public art throughout the City.

➤ **OPTION 2 – Provide Public Art**

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 equal to or greater than **0.5% of the construction valuation**.

- **Public art may be:**
 - An **existing** work of art, or
 - A **commissioned** work of art

For commissioned artwork, an additional **escrow deposit of 15% of the required public art fee** must be submitted prior to the issuance of the building permit. These funds will be remitted to the applicant upon final approval of the installation.

- **Off-site Installations:**

Artwork installed on City property or right-of-way, and not within the development site, will become property of the City and must be pre-approved by all necessary City departments before submission to the Public Art Committee for approval.

IMPORTANT! Before a building permit can be issued, the applicant must submit an "Application for Public Art Contribution" form to the Public Art Administrator and pay all applicable fees to the Development Services Department. If the applicant chooses to provide public art, the artwork must be installed and approved before a Certificate of Occupancy (CO) is issued. Under special circumstances, the Director of Development Services may grant an extension of up to one year, allowing the CO to be issued prior to installation. If the artwork is not installed and approved by the end of the extension period, escrowed funds may be forfeited to the Public Art Fund.

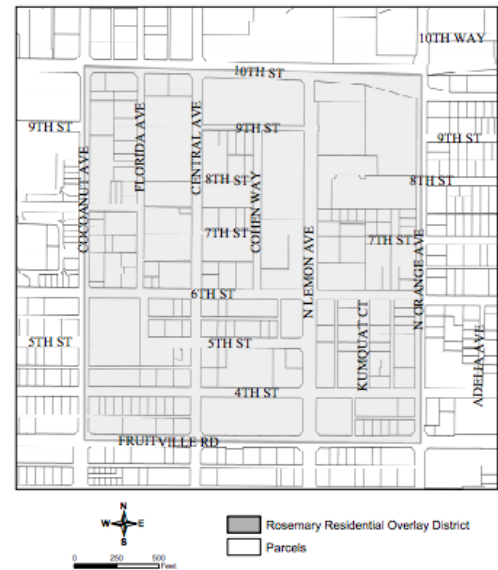
Rosemary Residential Overlay District (RROD)

Enhanced Public Art Contribution:

(Per Sec. VI-912) Developments within the RROD are subject to an enhanced public art contribution. In this district, applicants must contribute an **additional 0.25%**, bringing the total required contribution to 0.75% of the total construction valuation. All funds collected under this provision are dedicated exclusively to public art within the RROD boundaries.

RROD Boundaries:

- **North:** 10th Street
- **East:** Orange Avenue
- **South:** Fruitville Road
- **West:** Coconut Avenue



PUBLIC ART DEVELOPER AGREEMENT (FOR CONTRIBUTIONS OVER \$500,000)

For development projects with a public art contribution exceeding \$500,000, the City may offer the opportunity to enter into a Public Art Developer Agreement. This agreement allows the developer, in coordination with the City, to fulfill the public art requirement through future installation of public art on publicly owned land or right-of-way near the development site.

Key features of the agreement:

- The developer's payment into the Public Art Fund satisfies the required contribution under the City Zoning Code.
- The City will coordinate the future design, siting, and installation of public art within proximity to the development, in collaboration with the Public Art Committee.
- All artwork installed under the agreement becomes the property of the City and will be maintained and insured by the City's public art program.

This agreement is intended to support impactful, site-responsive public art installations and must be approved by the City Manager or designee. For projects that may qualify, please contact the Public Art Administrator to discuss eligibility and next steps.

OPTIONAL COST-SHARING WITH CITY

Developers may request a contribution from the City's Public Art Fund to combine with their own required contribution and fund a more impactful project. This option is only available if all the following conditions are met:

- The developer contributes the full amount required under the City Zoning Code.
- The project is located on City-owned land or property with a City-approved public access easement.
- The City Commission approves the use of funds based on a recommendation by the Public Art Committee.
- A written agreement is executed between the City and the developer outlining roles, maintenance, and insurance responsibilities.

DEFINITION OF PUBLIC ART:

(Per Sec. 11-201): Public art is defined as the creative application of skill and taste by artists to the 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, statues, and bas-reliefs. Public art or public works of art shall also include the creative application of skill and taste by artists according to aesthetic principles to the architectural embellishment of a building or structure.

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

1. Reproductions, or unlimited copies of original artwork.
2. Art objects that are mass-produced.
3. 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. Architectural rehabilitation or historical preservation.

DETERMINATION OF VALUE:

Existing Art Works: The value of existing artworks shall be:

- Determined by an independent professional appraisal or other evidence of value, such as an artist's price quote or bill of sale. Appraisal costs are the responsibility of the applicant.
- Based on a bill of sale, which shall be submitted to the Planning Department prior to the issuance of a certificate of occupancy.

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

STANDARDS FOR APPROVAL OR DISAPPROVAL OF PUBLIC ART

All proposed public art is reviewed by the Public Art Committee for compliance with the City's Public Art requirements. Artwork must meet all mandatory criteria and is further evaluated against non-mandatory criteria to ensure quality and appropriateness. Proposals that do not meet all mandatory criteria will be denied. Public Art Committee decisions may be appealed to the City Commission within 30 days.

Mandatory Criteria

All the following must be met for approval:

- Artwork meets the City's definition of public art
- Artwork meets or exceeds the required value
- Artwork is compatible with the surrounding neighborhood
- Artwork does not pose a safety hazard
- Artwork is properly sited with respect to setbacks and encroachments

Non-Mandatory Criteria

The Committee also considers:

- Artistic quality and durability
- Support for cultural diversity
- Balance of artistic styles and media
- Alignment with the City's goals and vision
- Suitability of the location
- Extraordinary maintenance requirements

BUILDING PERMIT APPLICATION AND APPROVAL PROCESS:

➤ Public Art Pre-Application Meeting

- Applicants are strongly encouraged to schedule a consultation with the Public Art Administrator to review requirements and timelines.
- The purpose of this meeting is to:
 - Review code requirements and eligibility.
 - Discuss preliminary ideas or concepts for the artwork and provide assistance with artist selection, if needed.
 - Clarify the application and approval timeline.
 - Avoid common pitfalls or delays later in the process, including delay of issuing a Building Permit or Certificate of Occupancy (CO).
- **Email:** PublicArt@SarasotaFL.gov, **Phone:** (941) 263-6349

--- Option 1 – Payment To The Public Art Fund ---

Developers may meet the public art requirement by making a payment to the City's Public Art Fund. This option offers a simple and efficient process, with the payment submitted at the same time as other permitting fees.

➤ Step 1: Determine Valuation and Calculate Public Art Fee

- Use the construction valuation stated on the building permit.
- **Calculate Public Art Fee:** Multiply the valuation by 0.5% (.005), or 0.75% (.0075) if located in the Rosemary Residential Overlay District/RROD (see page 2).

Example Calculation:

- Non-RROD: \$1,000,000 Construction Value x 0.5% (.005) = \$5,000 Public Art Fee
- RROD: \$1,000,000 Construction Value x 0.75% (.0075) = \$7,500 Public Art Fee

➤ Step 2: Complete Application Form:

- Before a building permit can be issued, applicants must submit an *Application for Public Art Contribution* form to the Public Art Administrator.

➤ Step 3: Submit Payment with Permit Fees

- The public art contribution is paid to the Permitting Department at the same time as other pre-construction permitting fees. No separate payment is required.

Once payment is received and recorded by the Permitting Division, the public art requirement for the project is satisfied.

--- Option 2 – Provide Public Art ---

If the applicant chooses to satisfy the public art requirement by installing artwork (rather than contributing to the Public Art Fund), the following steps **must be completed before a Certificate of Occupancy (CO) may be issued:**

➤ **Step 1: Determine Valuation and Calculate Public Art Fee and Escrow Deposit**

- Use the construction valuation stated on the building permit.
- **Calculate Public Art Fee:** Multiply the valuation by 0.5% (.005), or 0.75% (.0075) if located in the Rosemary Residential Overlay District/RROD (see page 2).

Example Calculation:

- *Non-RROD: \$1,000,000 Construction Value x 0.5% (.005) = \$5,000 Public Art Fee*
- *RROD: \$1,000,000 Construction Value x 0.75% (.0075) = \$7,500 Public Art Fee*
- **Additional Escrow Deposit:** Multiply the Public Art fee by 15%.
Example Calculation: \$5,000 Public Art Fee x .15 (15%) = \$750 Escrow Deposit; \$5,750 total fee

➤ **Step 2: Complete Application Form**

- Before a building permit can be issued, applicants must submit an “*Application for Public Art Contribution*” form to the Public Art Administrator.

➤ **Step 3: Submit Payment with Permit Fees**

- The public art contribution is paid to the Permitting Department at the same time as other pre-construction permitting fees. No separate payment is required. Funds will be returned to the applicant on an escrow repayment schedule to be negotiated between the applicant and the Public Art Administrator upon approval by the Public Art Committee, based on fabrication and installation milestones. The additional 15% deposit will be returned upon the final approval of the installed artwork.

➤ **Step 4: Submit a Detailed Proposal**

- Using the “*Checklist for an Application for Public Art*,” submit a complete proposal to the Public Art Administrator.
- For **COMMISSIONED** artwork, the following items are required:
 1. A detailed written and graphic description of the proposed artwork.
 2. A written description of the process by which the artist(s) were or will be selected.
 3. The name and credentials of the artist(s). This should include the artist’s resume and photographic examples of the artist’s previous artwork.
 4. Drawing(s), model(s), or photograph(s) of the proposed artwork in sufficient detail to accurately describe:
 - The location where the proposed public art is to be installed (site plan)
 - The visual quality of the proposed artwork
 - The construction details of the proposed artwork, including lighting
 5. A proposed schedule for the creation, completion, and installation of the approved artwork at the development (or otherwise identified) site
 6. Artist warranty and specified maintenance procedures.

- For **EXISTING** artwork, the following items are required:

1. The name and credentials of the artist(s). This should include the artist's resume and photographic examples of the artist's previous artwork
2. Detailed photographic or architectural renderings of the existing artwork
3. A written description of the proposed public art
4. The location for the existing artwork (site plan)
5. Schedule for the installation of the existing artwork, including lighting
6. An independent professional appraisal or other evidence of value, such as an artist's price quote or a bill of sale
7. Artist warranty and specific maintenance procedures

➤ **Step 5: Staff Review of Proposal**

- The Public Art Program Administrator will review the proposal for:
 - Completeness and consistency with City Zoning Code requirements.
 - Appropriateness of the location, scale, and materials.
 - Artist qualifications and concept feasibility.
 - If revisions are needed, staff will contact the applicant.

➤ **Step 6: Draft Maintenance and Insurance Agreement**

- The applicant must work with the Public Art Administrator, in coordination with the City Attorney's Office, to prepare a draft Maintenance and Insurance Agreement to outline the artwork's long-term care, repair, and preservation.
- The draft Maintenance and Insurance Agreement must be finalized prior to Public Art Committee review and will be executed by the City Manager upon final approval.
- ***Artwork installed on City property or right-of-way** shall become property of the City and will be maintained by the City per the artist's specifications.

➤ **Step 7: Public Art Committee Review**

- Once staff determines the application is complete and the draft Maintenance Agreement has been drafted, the proposal will be placed on the agenda for the Public Art Committee (PAC) review.
- The applicant or a representative is strongly encouraged to attend the PAC meeting to present the artwork and answer questions.
- The PAC will vote to approve, approve with conditions, or deny the proposal.
- **Appeals:** If the Public Art Committee does not approve the proposal, applicants may appeal the decision to the City Commission within 30 days of the committee's oral decision. For more information on how to initiate an appeal, contact the Public Art Administrator.

➤ ***City Commission Review and Approval (If applicable)**

- Artwork installed on City property or right-of-way valued over \$250,000 will also require approval from the City Commission.

➤ **Step 8: Set Escrow repayment schedule and Execute Contract with Artist**

- For **EXISTING** artwork, the applicant must produce a bill of sale to be reimbursed for their public art contribution.
- For **COMMISSIONED** artwork, an escrow repayment schedule will be negotiated between the applicant and the Public Art Administrator upon approval by the Public Art Committee, based on fabrication and installation milestones. A contract between the artist and the applicant must be submitted to the City prior to the acceptance/execution of the escrow repayment schedule.

➤ **Step 9: Installation and Repayment of Escrowed Funds**

- Artwork installation (including lighting) must be completed prior to the issuance of the Certificate of Occupancy (CO). If delays occur, a one-time extension (up to one year) may be requested. A final inspection is required to confirm that the artwork was installed as approved by the Public Art Committee.
- **If the deadline is not met and no extension is granted, or the extension period lapses, the escrowed funds may be forfeited to the Public Art Fund.**

ONGOING RESPONSIBILITIES:

Maintenance and Insurance Agreement: *(Per Sec. VII-701(b)(2)(d))*: The private property owner shall be responsible for the maintenance and insurance of such works of art in perpetuity and enter into a maintenance and insurance agreement with the City before the public art contribution is accepted. The work of art will be considered by the city to be a fixture of the real property upon which it is located, such that title to the work of art shall run with the title to the real property upon which the work of art is located. If the artwork is donated to the City, the artist is required to submit maintenance procedures for their proposed artwork for proper maintenance by the City.

Removal, Relocation, 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 removed, relocated, or replaced without prior approval. Relocation of up to 500 feet from the originally approved site may be administratively approved by the Planning Director or designee. All other removals, relocations, or replacements will require Public Art Committee approval and review by the Planning Director or designee. Replacement of public art on development sites must be of reasonable equivalent value.

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

Additional Public Art: After the required public art has been installed and approved, developers may add additional works of art to their site, as long as all applicable City Zoning Codes are met.

QUESTIONS?

For questions or more information, please contact the Public Art Administrator:

- **Phone:** (941) 263-6349
- **Email:** PublicArt@SarasotaFL.gov