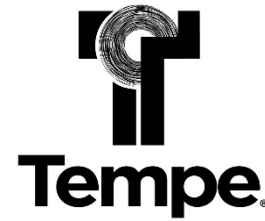


Art in Private Development

480-350-2827

www.tempe.gov/publicart



Ordinance

Art in Private Development: The goal of the city of Tempe's Art in Private Development (AIPD) ordinance is to beautify the community with a wide variety of high-quality art installations. AIPD enhances the identity and character of the Tempe community making it more appealing to residents and helps to further attract visitors.

Tempe's Zoning and Development Code; Section 4-407 www.tempe.gov/zoning

- The property owner(s) of any project that contains more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, or is a phase of a larger project approved after Feb. 24, 1990, that contains a total of more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, shall contribute to Art in Private Development. The art contribution shall take the form of either on-site installation of exterior Artwork or an equivalent cash donation to the Tempe Municipal Arts Fund. *Net floor area* means the sum of all floor areas (including mezzanines, outdoor retail and dining areas) devoted to an activity, excluding exterior walkways and the thickness of exterior walls.

- The developer's investment in Artwork is based on the amount of square footage of the *net floor area* dedicated to commercial or office use, and is adjusted on Feb. 1 of each year based on the Consumer Price Index for All Urban Consumers (CPI-U) of the previous year.
2012 value: \$0.43 per square foot.
2013 value: \$0.44 per square foot.
2014 value: \$0.44 per square foot.
2015 value: \$0.44 per square foot.
2016 value: \$0.44 per square foot.
2017 value: \$0.44 per square foot.
2018 value: \$0.45 per square foot.
2019 value: \$0.46 per square foot.
2020 value: \$0.47 per square foot.
2021 value: \$0.48 per square foot.
2022 value: \$0.49 per square foot
2023 value: \$0.53 per square foot.

Eligibility and Restrictions

1. Artwork: On-site and publicly accessible installation of exterior artwork commissioned by the applicant
2. Arts Fund Contribution: An equivalent monetary donation to the Tempe Municipal Arts Fund

ARTWORK ELIGIBILITY. “Artwork” or “Work of Art” is defined as an original artist designed and produced work that is imported into or set at the building site. Developers must hire a Professional Artist for the creation of the Artwork. The Artist is defined as a professional based on their body of work including commissions, exhibits, publications, collections and educational background. Exclusions include persons primarily working the professional fields of architecture, engineering, design, or landscape who do not have a records of art based accomplishments as described; persons with a business interest in the development project outside of the creation of the Artwork; and relatives of anyone with a financial interest with respect to the project at large.

Developers opting to commission a Work of Art to fulfill the Art in Private Development requirement must ensure the Artwork will be publicly visible and accessible at all times. If Artwork is placed in the interior of a building, the location cannot require payment for entry to view and experience the Artwork, and the Artwork must be in an area that invites the public to loiter as appropriate. Public Art is typically large scale and may include sculpture, murals, mosaic, ceramic, installation, video, photography, works of light, integrated artist designed land works, and other works determined by the Tempe Arts and Culture Department that will satisfy the requirement.

Each proposed Artwork will require the following for review by the City:

- **Artist Credentials:** Including resume, examples of past work, and any other appropriate materials that speak to the artist’s professional history.
- **Budget:** Itemized budget that meets the required art investment for the development. This may include the artist’s budget (fees, materials, assistants labor costs, insurance, permits, taxes, legal and business expenses), fabrication and installation of the Artwork, site preparation for the Artwork, structures enabling the artist to display the Artwork, acknowledgement plaque identifying the artist, Artwork, and the development, and any subcontractor fees that relate to the Artwork (engineering, graphic design, welders, etc).
- **Materials:** Materials used for the Artwork must be reviewed by Public Art Staff with regards to viability and budget constraints.
- **Maintenance Plan:** All proposed Artworks should include a plan for future maintenance and cleaning schedule where appropriate. * Please note that costs for maintaining and operating Artwork shall not be included in the budget
- **Artist agreement with the owner:** Any agreement whether conceptual or complete between the owner and the artist for work to be addressed must be provided in the submittal package.

RESTRICTIONS (Proposals that will not meet the art requirement)

- Business logos or art that incorporates a logo
- Directional or way finding elements such as supergraphics and signage
- Mass-produced “art objects” such as fountains, statuary or playground equipment
- Standard landscape or hardscape elements which would normally be associated with the project

- Decorative architectural elements that are designed by the building architect as opposed to an artist commissioned for this purpose.

Arts Fund Contribution:

Developers have the option of paying into the Municipal Arts Fund in lieu of using the AIPD fund for the creation of a work of art on their property. When choosing this option, Developers may work with Art Staff to determine a program or project near their building to fund or they may allow the Art Staff to use the fee as needed for arts programs in the City of Tempe.

To view images of completed Artwork, visit: <https://gis.tempe.gov/publicartmap/>

For assistance and questions, contact Rebecca Blume Rothman, Public Art Manager (480) 350-2827 rebecca_rothman@tempe.gov

Process

1. **SPR – Site Plan Review** – Applicant electronically submits project plans for City to review. Applicant will receive the AIPD Guidelines, an explanation of the AIPD process and AIPD staff contact information.
2. **Contact Public Art Office**– Discuss concepts, budget, location and visibility of proposed Artwork as well as possible artists. Staff Contact: Rebecca Blume Rothman, Public Art Manager (480) 350-2827 / rebecca_rothman@tempe.gov
3. **Select Professional Artist** OR determine amount of in lieu contribution to the Municipal Arts Fund. If creating Artwork, Artist must show educational background in the arts, and/or arts accomplishments such as gallery or museum exhibits, and completion of public art projects. If opting for monetary contribution, alert AIPD staff contact of intent to contribute to the Municipal Arts Fund.
4. **DPR – Development Plan Review** – Plans are submitted for formal entitlement processing of design of project. Indicate where the Artwork is proposed (generally on the site plan/landscape plan and elevations if applicable). The DPR submittal should include a brief description of the art type (i.e. NOT design, but identify a sculpture, bridge, entry way, shade structure, mural, etc.). This explanation assists the Development Review Commission in understanding that the art is being considered as part of the overall design of the site and to ensure that there are no conflicts with retention, landscaping, ROW, etc.
5. **Submit Artwork Plans to Public Art Office** – (1) Narrative description of proposed Artwork (2) Scaled construction drawings or models of the Artwork including site plan and landscape plan showing the proposed Artwork in the development’s context. (3) Detailed Budget. (4) Artist Resume (5) Artist Contract between the developer and artist (6) Maintenance plan and material specifications for the proposed Artwork.
6. **AIPD Committee review** – Artwork plans are reviewed internally by a committee comprised of Public Art and Planning staff as well as a member of the Tempe Arts and Culture Commission(TACC). The committee reviews the proposed Artwork plan, its

visibility to the public, and its context within the development. Developers may be asked to bring their art concept for review before the Tempe Arts and Culture Commission for a formal presentation prior to beginning design development. This request is typically based on the size, scale, and location of the proposed project and is determined by the internal committee review.

7. **Contract submittal** – Developers are required to submit the final copy of the artist agreement to the Public Art staff within 2 months of TACC review. This is to allow for scheduling and planning of the design development, fabrication, and art installation in a timely manner.
8. **PC – Plan Check** – Building construction set reviewed for structural, mechanical, planning, etc. Artist construction documents must be sent to Planning Plan Reviewer for review and approval.
9. **BP – Building Permit** – Released after all issues in development construction document set are resolved, may include Artwork if building permit is required. If there is a need to delay, a waiver is required to allow Building Permits to be issued prior to artist's construction documents.
10. **Inspection of installed Artwork** – Contractor/Artist/ Representative of the AIPD piece must contact Planning Inspector for AIPD signoff prior to receiving a Building Final Inspection (CofO).
11. **CofO – Certificate of Occupancy** – Artwork must be installed and completed before a Certificate of Occupancy will be issued. If there is a need to delay due to artist schedule, the temporary CofO shall be issued with a contingency regarding a deadline to complete the Artwork.
12. **Final notification to Public Art Office with high resolution images of Artwork.**